IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT LLC,	§ § §	Case No.
Plaintiff,	§ §	**JURY TRIAL DEMANDED**
v.	§ § §	
T-MOBILE USA, INC. and T-MOBILE US, INC.,	§ § §	
Defendants.	§ § §	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC ("AGIS Software" or "Plaintiff") files this original Complaint against Defendants T-Mobile USA, Inc. and T-Mobile US, Inc. (collectively, "T-Mobile" or "Defendants") for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1.   Plaintiff AGIS Software is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 7,031,728, 7,630,724, 9,408,055, 9,445,251, 9,467,838, and 9,749,829 (the "Patents-in-Suit").

2.   Defendants T-Mobile, USA, Inc. is a Washington corporation and maintains its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006 and may be served with process via its registered agent, Corporation Service Company at 211 E. 7th Street, Suite 620, Austin, Texas 78701. Upon information and belief, T-Mobile USA, Inc. does

business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

3.   Defendants T-Mobile US, Inc. is a Delaware corporation with its principal place of business as 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile US, Inc. is the parent corporation of T-Mobile USA, Inc. and was formerly known as MetroPCS Communications, Inc. T-Mobile US, Inc. was formed in 2013 through the business combination between T-Mobile USA and MetroPCS Communications, Inc.[1] Upon information and belief, T-Mobile US, Inc. may be served with process through Corporation Service Company at 211 E. 7th Street Suite 620, Austin, Texas, 78701. Upon information and belief, T-Mobile US, Inc. does business in Texas, directly or through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

JURISDICTION AND VENUE

4.   This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq*. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

5.   This Court has personal jurisdiction over T-Mobile in this action because T-Mobile has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over T-Mobile would not offend traditional notions of fair play and substantial justice. T-Mobile

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[1]

https://www.sec.gov/Archives/edgar/data/1283699/000128369915000010/tmus12312014form10
-k.htm

conducts business and has committed acts of patent infringement and/or has induced acts of

patent infringement by others in this Judicial District and/or has contributed to patent

infringement by others in this Judicial District, the State of Texas, and elsewhere in the United

States by, among other things, offering to sell and selling products and/or services that infringe

the Patents-in-Suit.

6.   Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and

1400(b). T-Mobile is registered to do business in Texas, and, upon information and belief, T-

Mobile has transacted business in the Eastern District of Texas and has committed acts of direct

and indirect infringement in the Eastern District of Texas. T-Mobile US, Inc. maintains a

corporate office at 2250 Lakeside Boulevard, Richardson, Texas 75082 and T-Mobile USA, Inc.

maintains a Network Operations Center at 7668 Warren Parkway, Frisco, Texas 75034, both of

which are located within this Judicial District. T-Mobile also has regular and established places

of business in this Judicial District, including at least its retail stores located at 900 East End

Boulevard N, #100B, Marshall, TX 75670; 1806 East End Boulevard N, Suite 100, Marshall, TX

75670; 222 East End Boulevard S, Apt. C Suite C, Marshall, TX 75670; 1209 E. Marshall

Avenue, Longview, TX 75601; 2108 Gilmer Road., Longview, TX 75604; 530 E. Loop 281,

Suite #101, Longview, TX 75605; 1110 East Parker Road, Suite C, Plano, TX 75074; 3131

Custer Road, Suite #125, Plano, TX 75075; 2408 Preston Road, Suite 704B, Plano, TX 75093;

7000 Independence Parkway, Suite 168, Plano, TX 75025; 5976 W. Parker Road, Suite 304,

Plano, TX 75093; 601 W. 15th Street, Suite 102, Plano, TX 75075; 5800 S. Legacy Drive, Suite

C-9, Plano, TX 75024; 3311 Preston Road, Ste 6, Frisco, TX 75034; 2601 Preston Road, Space

#2200, Frisco, TX 75034; 8910 TX-121, Suite 200, McKinney, TX 75070; 1332 South Plano

Road, #114, Richardson, TX 75081; 524 W. Belt Line Road, #15, Richardson, TX 75080; 2004

St. Michael Drive, Texarkana, TX 75503; 2700 Richmond Road, Texarkana, TX 75503; 3741

Mall Drive, Texarkana, TX 75501; and 2808 New Boston Road, Suite D, Texarkana, TX 75501.

PATENTS-IN-SUIT

7.   On December 8, 2009, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 7,630,724 (the "'724 Patent") entitled "Method of Providing a

Cellular Phone/PDA Communication System." A true and correct copy of the '724 Patent is

attached hereto as Exhibit A.

8.   On April 18, 2006, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 7,031,728 (the "'728 Patent") entitled "Cellular Phone/PDA

Communication System." A true and correct copy of the '728 Patent is attached hereto as

Exhibit B.

9.   On August 2, 2016, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 9,408,055 (the "'055 Patent") entitled "Method to Provide Ad Hoc

and Password Protected Digital and Voice Networks." A true and correct copy of the '055

Patent is attached hereto as Exhibit C.

10.   On September 13, 2016, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 9,445,251 (the "'251 Patent") entitled "Method to Provide Ad Hoc

and Password Protected Digital and Voice Networks." A true and correct copy of the '251

Patent is attached hereto as Exhibit D.

11.   On October 11, 2016, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 9,467,838 (the "'838 Patent") entitled "Method to Provide Ad Hoc

and Password Protected Digital and Voice Networks." A true and correct copy of the '838

Patent is attached hereto as Exhibit E.

12.   On August 29, 2017, the United States Patent and Trademark Office duly and

legally issued U.S. Patent No. 9,749,829 (the "'829 Patent") entitled "Method to Provide Ad Hoc

and Password Protected Digital and Voice Networks." A true and correct copy of the '829

Patent is attached hereto as Exhibit F.

FACTUAL ALLEGATIONS

13.   Malcolm K. "Cap" Beyer, Jr., a graduate of the United States Naval Academy and

a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS patent

portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. ("AGIS, Inc.")

shortly after the September 11, 2001 terrorist attacks because he believed that many first

responder and civilian lives could have been saved through the implementation of a better

communication system. He envisioned and developed a new communication system that would

use integrated software and hardware components on mobile devices to give users situational

awareness superior to systems provided by conventional military and first responder radio

systems.

14.   AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing

provides first responders, law enforcement, and military personnel with what is essentially a

tactical operations center built into hand-held mobile devices. Using GPS-based location

technology and existing or special-purpose cellular communication networks, LifeRing users can

exchange location, heading, speed, and other information with other members of a group, view

each other's locations on maps and satellite images, and rapidly communicate and coordinate

their efforts.

15.   AGIS Software licenses its patent portfolio, including the '724, '728, '055, '251,

'838, and '829 Patents, to AGIS, Inc. AGIS, Inc. has marked its products accordingly. AGIS

Software and all previous assignees of the Patents-in-Suit have complied with the requirements of 35 U.S.C. § 287(a).

16.   T-Mobile has manufactured, used, marketed, distributed, sold, offered for sale, and exported from and imported into the United States products and software that infringe the Patents-in-Suit, *e.g.*, including at least the T-Mobile Family Mode application and systems,[2] T-Mobile FamilyWhere application and systems,[3] and T-Mobile Fleet Management Solutions,[4] including all related services and infrastructures (*e.g.*, servers) (collectively, the "Accused Products").[5]

17.   The Accused Products include functionalities that allow users to form and/or join networks or groups, share and view locations with other users, display symbols corresponding to locations (including locations of other users) on a map, and communicate with other users via text, voice, and multimedia-based communication. The Accused Products include the functionalities to display map information, including symbols corresponding with users, entities, and locations. Additionally, the Accused Products include functionalities to form groups that include their own devices in order to track, remotely control, and/or communicate with other users' devices. The Accused Products include functionalities to enable communications, such as voice calls between users. The Accused Products practice the claims of the Asserted Patents to improve user experiences and to improve T-Mobile's position in the market.

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[2] *See*
https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US;
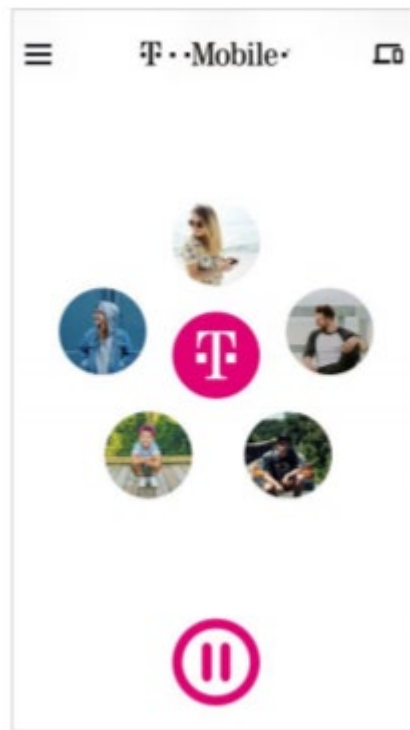https://apps.apple.com/us/app/t-mobile-familymode/id1348097043
[3] *See*
https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US
[4] https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits
[5] https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app
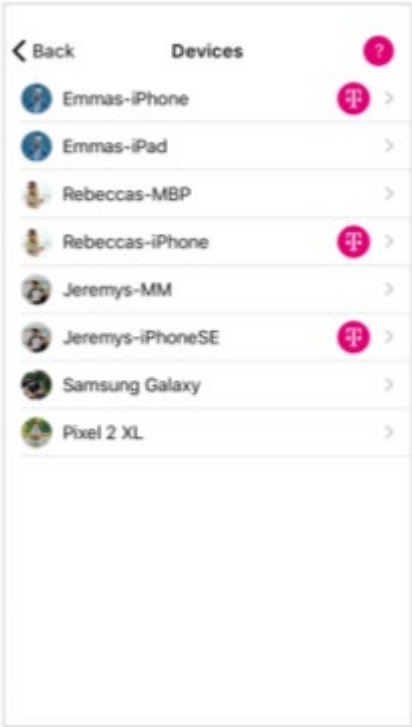
18.   For example, the T-Mobile Family Mode ("Family Mode") and T-Mobile FamilyWhere ("FamilyWhere") Applications enable family member devices to form location sharing groups. Family Mode and FamilyWhere include a map on each device's display (*e.g.* a touchscreen display) and generate symbols corresponding with the locations of family member devices, as shown below. Family members may call, message, and communicate with other family member devices. Family member devices may further remotely control one another, such as by limiting access to certain websites, to block communication with certain contacts, to pause internet access, and/or to cause a device to report its location at regular intervals. Family member devices may be added or invited to a group based on a link sent via email and/or SMS.

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6 https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf
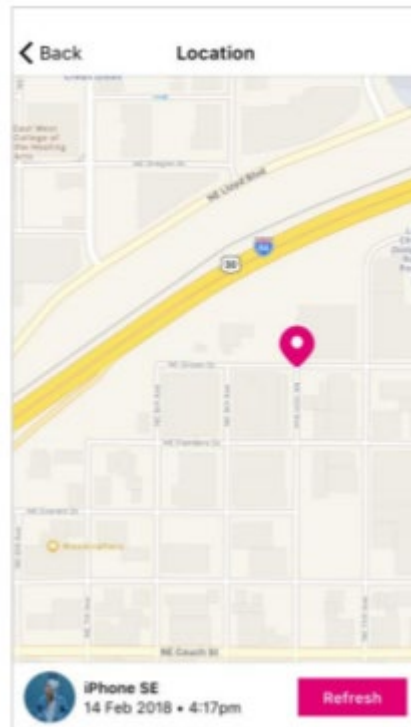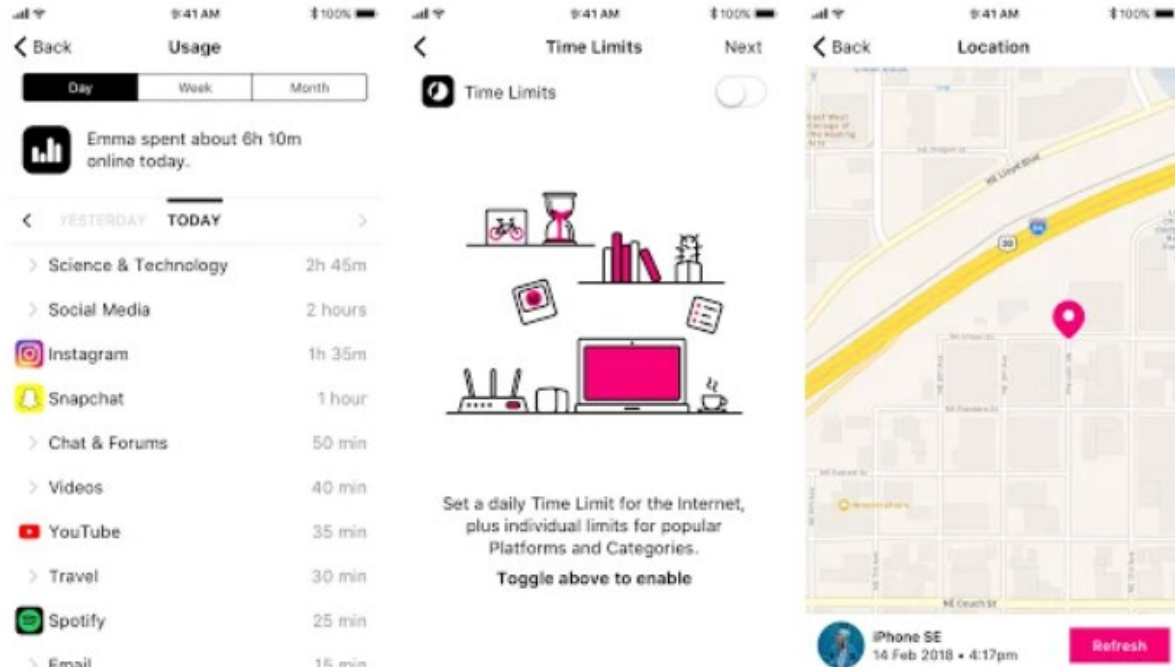
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7 https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf
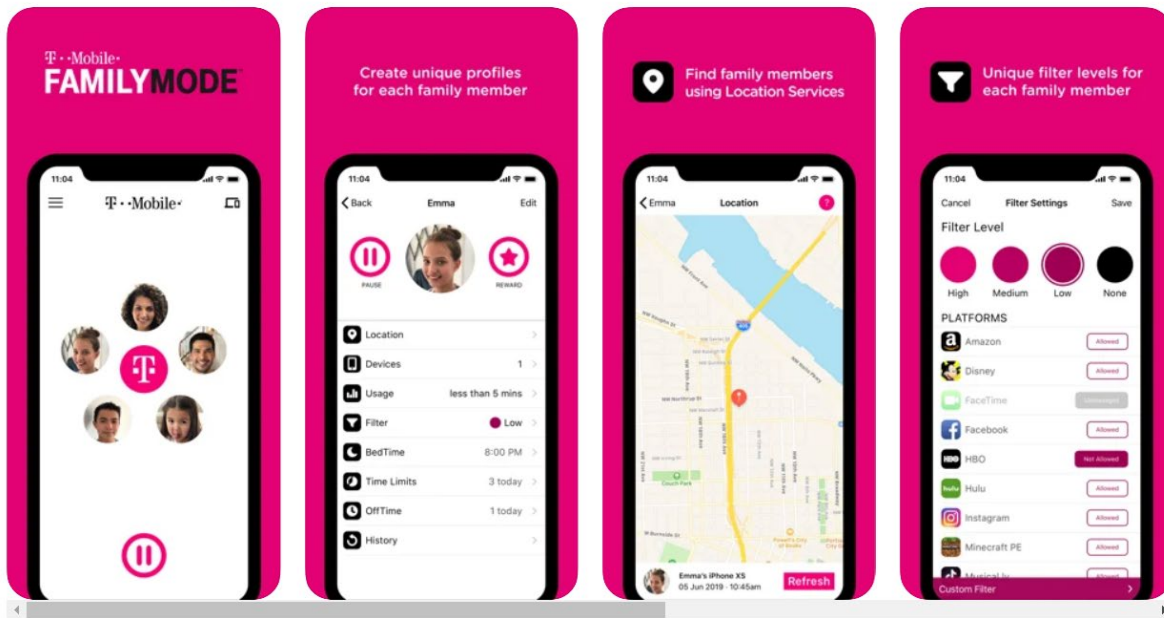
8

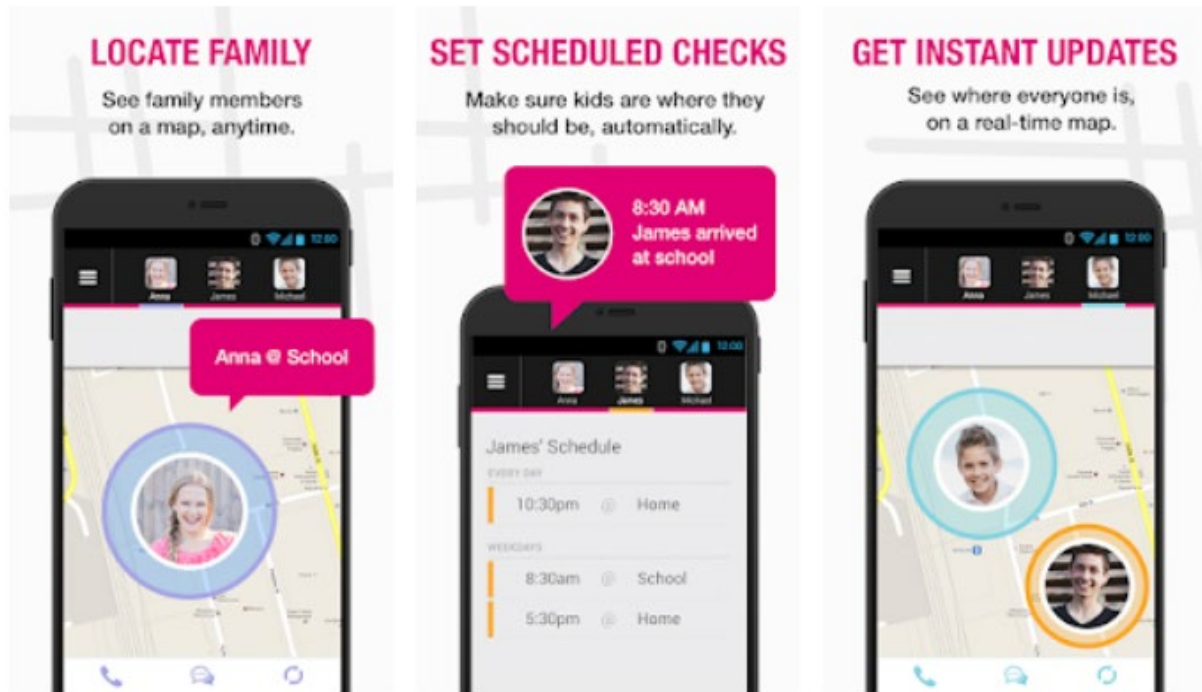8 https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf

19.   Family Mode and FamilyWhere can be installed on users' smartphones and/or tablets via Google Play and the Apple App store.[12] There is no limit to the number of users (*e.g.* employees) that can be tracked.[13] Upon information and belief, Family Mode and FamilyWhere transmit voice data via internet protocol.

20.   Family Mode and FamilyWhere further comprise an interactive display, and present symbols corresponding with the locations of other user devices (*e.g.*, family members). [14] Upon information and belief, Family Mode and FamilyWhere use both device and server-based

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[11]

https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

[12] https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US; https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US; https://apps.apple.com/us/app/t-mobile-familymode/id1348097043
[13] https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf
[14] *See e.g. id.*

databases for location data corresponding with displayed symbols. Upon information and belief,

Family Mode and FamilyWhere further comprise distinct servers for map data (*e.g.* tile data) and

for location data (*e.g.* longitude and latitude of family member devices).

      21.   For example, T-Mobile Fleet Management Solutions allows users to view the

location of any tracked user or vehicle (*e.g.* with a GPS tracking system) every second or every

fifteen seconds.[15] Users may view a map which generates symbols corresponding with the

location of tracked users or vehicles, and may receive SMS alerts and/or email notifications for

violation events.[16] T-Mobile Fleet Management Solutions may be accessed via a mobile device,

including through an application and/or web portal.[17] Users may further create new map

symbols (*e.g.*, designated areas) which may remotely control vehicles that enter the area (*e.g.,* to

report a status). T-Mobile Fleet Management Solutions further comprises an application on a

mobile device and/or tablet of a tracked user or vehicle.[18]

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[15] https://www.t-mobile.com/business/solutions/fleet-management-
solutions#What%20is%20fleet%20management?;
https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-
5Xfjag0W0gYcE/edit#heading=h.xpz8258sgdrl
[16] https://www.t-mobile.com/business/resources/geotab-fleet-tracking-system-training
[17] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-
DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.2m3lq1tf5pe1
[18] https://www.t-mobile.com/business/cell-phones; https://www.t-mobile.com/business/tablets;
https://www.t-mobile.com/business/solutions/fleet-management-solutions

Tracking Vehicles

You can use the Map to view the current position and status of vehicles. To view a vehicle on the Map:

1. Using the main menu on the left, find and click **Map**. Note that location is automatically displayed for fleets under 50 vehicles.

2. If there are more than 50 vehicles, click the dropdown arrow to the right of the search bar and select the vehicles to view, or click **Select all** to view all vehicles.
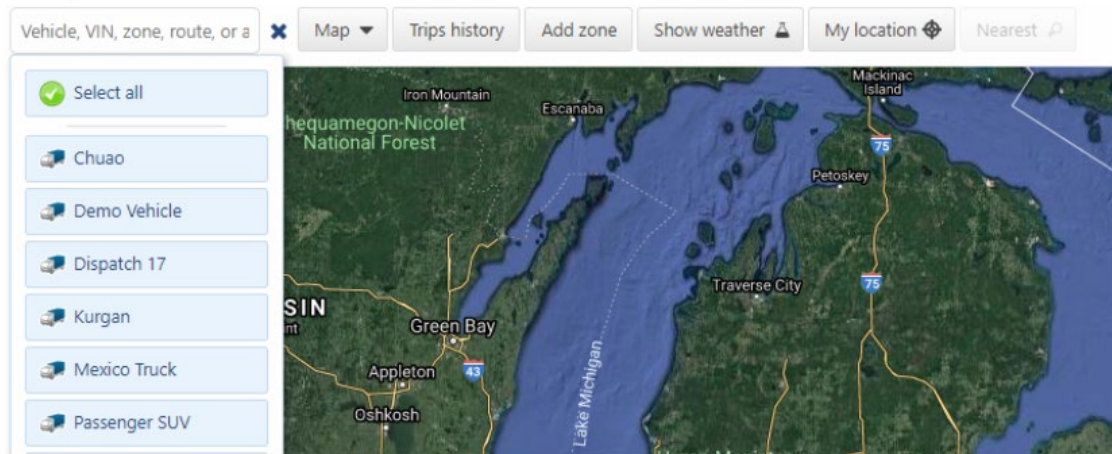
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COUNT I
(Infringement of the '055 Patent)

22.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

23.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '055 Patent.

24.   Defendants infringe, contribute to the infringement of, and/or induce infringement of the '055 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '055 Patent including, but not limited to, the Accused Products.

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[19] https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.pbxw8ltv0yrc

25.   Defendants have and continue to directly infringe at least claim 8 of the '055 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

26.   Defendants have and continue to indirectly infringe at least claim 8 of the '055 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '055 Patent. For example, Defendants, with knowledge that the Accused Products infringe the '055 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to knowingly and intentionally induce direct infringement of the '055 Patent in violation of 35 U.S.C. § 271(b).

27.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 8 of the '055 Patent in the United States because Defendants' customers use the Accused Products, including at least T-Mobile Family Mode, T-Mobile FamilyWhere, and T-Mobile Fleet Management Solutions, alone and in conjunction with additional Accused Products and/or services, in accordance with Defendants' instructions and thereby directly infringe at least claim 8 of the '055 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instruct their customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-

mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-

mobile.com/business/solutions/fleet-management-solutions#Benefits;

https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-

DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6;

https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-

5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc;

https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-

production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf;

https://www.t-mobile.com/business/resources/geotab-fleet-tracking-system-

traininghttps://www.t-mobile.com/support/public-files/images/support-non-

device/FamilyModeUser-Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE;

https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-

8pHRQ; and T-Mobile agents and representatives located within this Judicial District.

Defendants are thereby liable for infringement of the '055 Patent under 35 U.S.C. § 271(b).

28.   Defendants have directly and indirectly infringed at least claim 8 of the '055

Patent by practicing a method comprising performing by a first device: obtaining contact

information of a plurality of second devices, wherein the contact information comprises

respective telephone numbers of the second devices; facilitating initiation of Internet Protocol

(IP) based communication between the first device and the respective second devices by using

respective telephone numbers to send, from the first device to the second devices, respective

Short Message Service (SMS) messages including a telephone number of the first device and

information usable by the respective second device to send IP-based communication to the first

device; receiving respective IP-based responses to the SMS messages, wherein the IP-based

responses to the SMS messages include location information of the respective second devices; transmitting IP-based messages including a location of the first device to the respective second devices; presenting, via an interactive display of the first device, an interactive map and a plurality of user selectable symbols corresponding to the plurality of second devices, wherein the symbols are positioned on the map at respective positions corresponding to the respective locations of the second devices; identifying user interaction with the interactive display selecting one or more of the user-selectable symbols corresponding to one or more of the second devices and user interaction with the display specifying an action and, based thereon, sending data to the one or more second devices; receiving user input via user interaction with the interactive display of the first device, the user input specifying a location and a symbol corresponding to an entity other than the first device and the second devices; based on the user input, adding the user-specified symbol to the interactive display at a position on the interactive map corresponding to the user-specified location, and transmitting the user-specified symbol and location to the second devices for addition of the user-specified symbol to respective interactive displays of the second devices at respective positions on respective interactive maps corresponding to the user-specified location; wherein the first device is a cellular phone or a personal digital assistant (PDA).

29.   For example, Family Mode and FamilyWhere allow users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

30.   For example, Family Mode and FamilyWhere allow users to establish groups (*e.g.* of family members), and to exchange messages and calls via SMS, and/or via interaction with T-Mobile's servers.
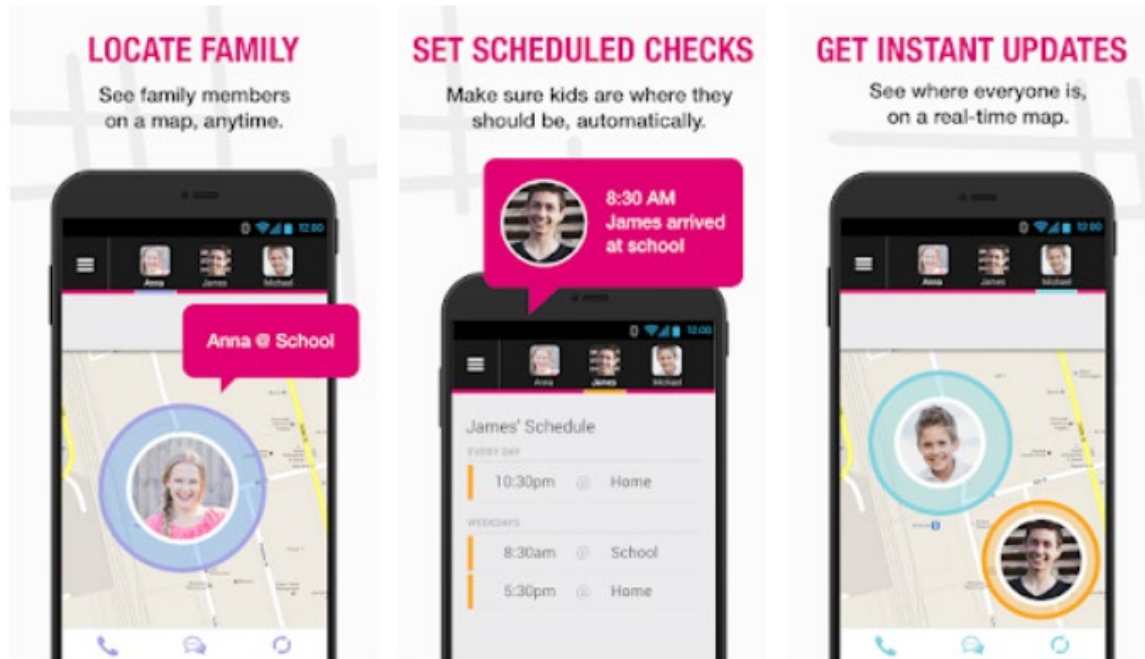
20
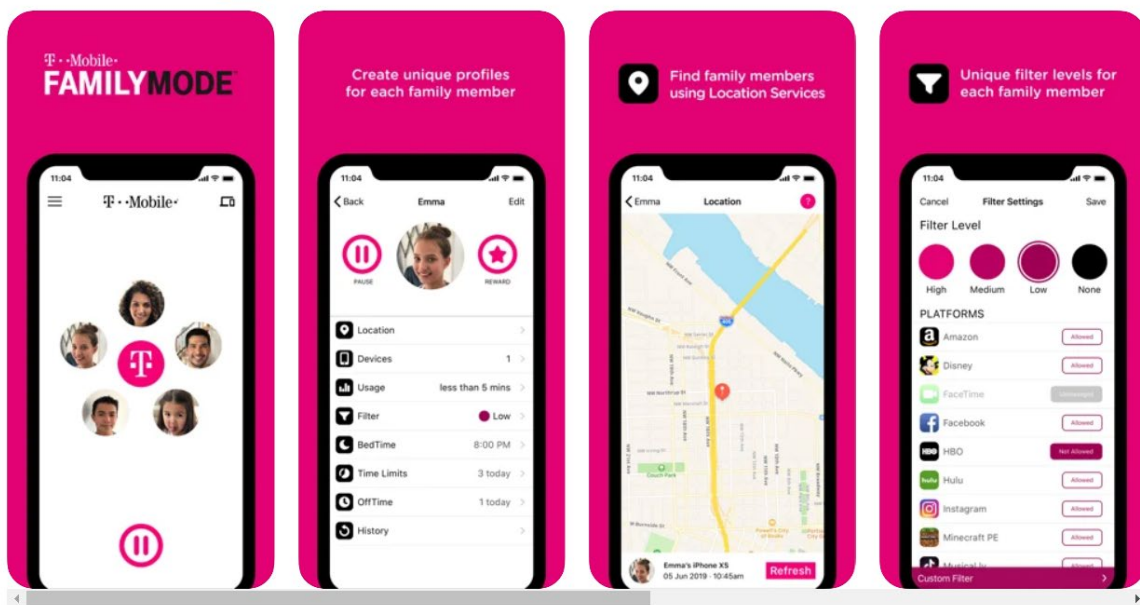
21

31.   For example, Family Mode and FamilyWhere enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

32.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.
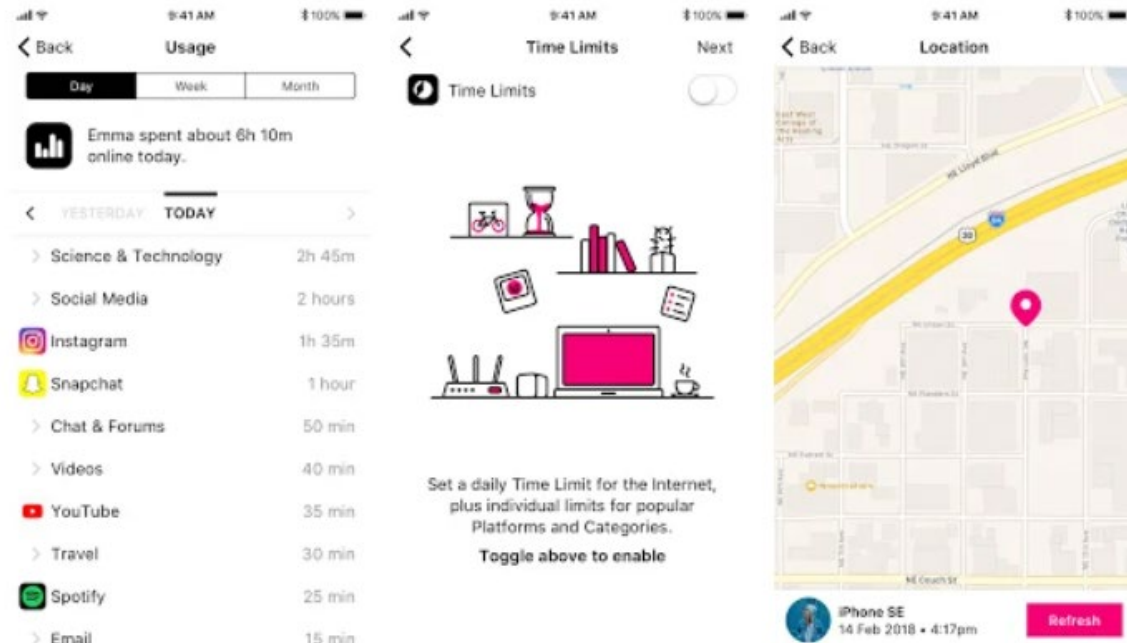
33.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS.

34.   For example, the Family Mode and FamilyWhere are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's

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[22] https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

mobile device), the map including a plurality of user-selectable symbols corresponding to other

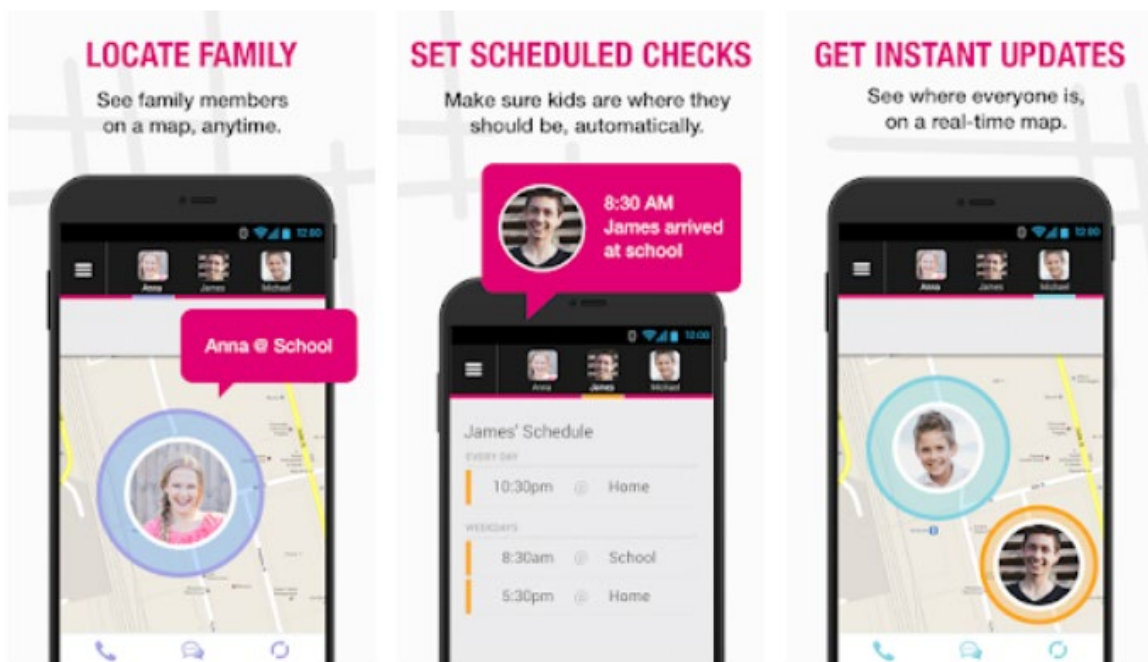devices, positioned according to the locations of those other devices.

23

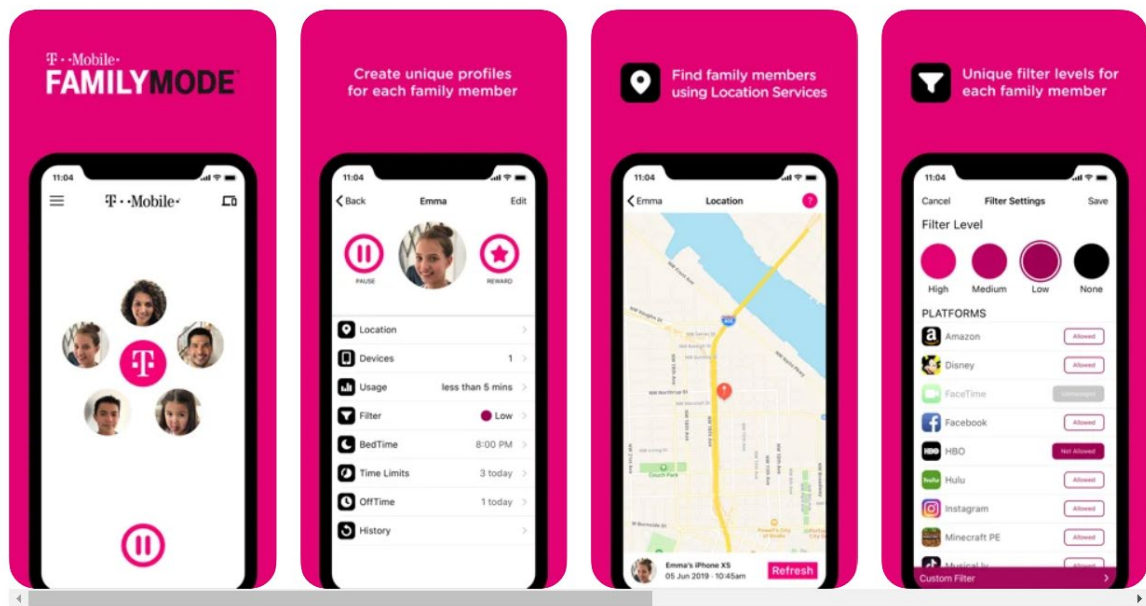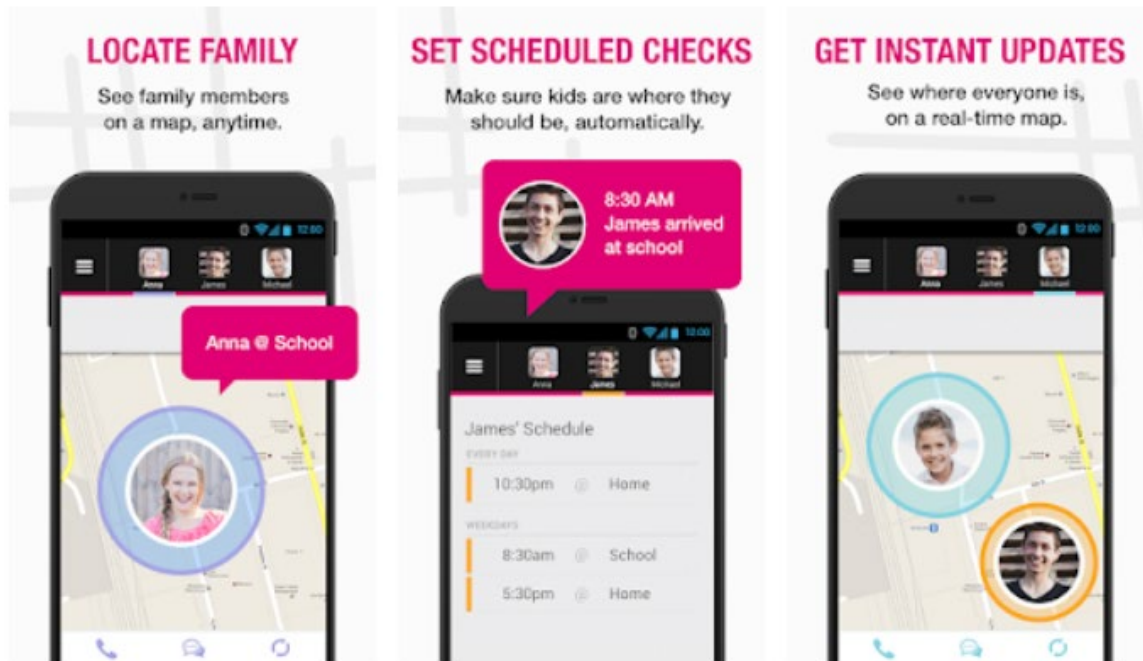23 https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US

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35.   For example, Family Mode and FamilyWhere are further programmed to permit interaction with the display where a user may select one or more symbols, and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

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Landmarks

Create Landmark via Android

1. Open the FamilyWhere app.
2. Navigate on the map using finger pinches and swipes to find the location where you want the landmark.
3. Touch the spot on the map where you want a landmark and hold for two seconds, then lift up your finger.
4. Select **Add a place**.
5. Enter landmark name, then select **OK**.

Note: The 'Landmarks' option from the main hamburger menu offers a 'Create Landmark' option that allows creating a landmark by typing an address, but this option currently rejects many residential addresses. A landmark must be created if the 'You must enter a valid address. Double check the address and try again.' error message is received..

Create Landmark via My T-Mobile

1. Log in to **My T-Mobile**.
2. Click your name button.
3. Click **Profile** > **Family Controls** > **FamilyWhere** > **Create a Landmark**.
4. Enter landmark address and name.
5. Click **Save and create**.

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

28 https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app

36.   For example, Family Mode further includes functionality for sharing data on

battery levels between users.

> • Toggle Push Notifications, which include messages for when a
> family member reaches a Time Limit, a new device joins
> FamilyMode, a new device is managing FamilyMode, Home
> Base has gone offline, has a low battery, has been reset, or
> other issues.

[29]

37.   Accused Products, such as T-Mobile Fleet Management Solutions, further include

similar features and functionality to Family Mode and FamilyWhere and infringe in a

substantially similar manner.[30]

38.   AGIS Software has suffered damages as a result of Defendants' direct and

indirect infringement of the '055 Patent in an amount to be proved at trial.

39.   Defendants have had knowledge and notice of the '055 Patent at least as of the

filing of the Complaint.

40.   Defendants have indirectly infringed and continue to indirectly infringe one or

more claims of the '055 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by

others, such as Defendants' customers and end-users, in this District and elsewhere in the United

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[29] https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf

[30] https://www.t-mobile.com/business/solutions/fleet-management-solutions; https://www.t-mobile.com/support/devices/mobile-internet/syncup-and-internet-of-things/geotab-fleet-administration; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc;
https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6;
https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf;
https://www.t-mobile.com/business/resources/geotab-fleet-tracking-system-training

States. For example, Defendants' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '055 Patent. Defendants induce this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants intend and directly infringe the '055 Patent. Defendants perform these affirmative acts with knowledge of the '055 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '055 Patent.

41.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '055 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendants' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '055 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '055 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendants to be especially made or adapted for use in the infringement of the '055 Patent. Defendants perform these affirmative acts with knowledge of the '055 Patent and with intent, or willful blindness, that they cause the direct infringement of the '055 Patent.

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42.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '055 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

43.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '055 Patent. Defendants' infringement of the '055 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT II
(Infringement of the '251 Patent)

44.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

45.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '251 Patent.

46.   Defendants infringe, contribute to the infringement of, and/or induce infringement of the '251 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '251 Patent including, but not limited to, the Accused Products.

47.   Defendants have and continue to directly infringe at least claim 24 of the '251 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

48.   Defendants have and continue to indirectly infringe at least claim 24 of the '251 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either

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literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '251 Patent. For example, Defendants, with knowledge that the Accused Products infringe the '251 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '251 Patent.

49.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 24 of the '251 Patent in the United States because Defendants' customers use the Accused Products, including at least T-Mobile Family Mode, T-Mobile FamilyWhere, and T-Mobile Fleet Management Solutions, alone or in conjunction with additional Accused Products, in accordance with Defendants' instructions and thereby directly infringe at least one claim of the '251 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instruct their customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-

production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf;

https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-

Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE;

https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-

8pHRQ; and T-Mobile agents and representatives located within this Judicial District.

Defendants are thereby liable for infringement of the '251 Patent under 35 U.S.C. § 271(b).

50.   Family Mode and FamilyWhere directly and indirectly infringe at least claim 24

of the '251 Patent by comprising a system of a first device programmed to perform operations

comprising: receiving a message from a second device, wherein the message relates to joining a

group; based on receiving the message from the second device, participating in the group,

wherein participating in the group includes sending first location information to a server and

receiving second location information from the server, the first location information comprising

a location of the first device, the second location information comprising a plurality of locations

of a respective plurality of second devices included in the group; presenting, via an interactive

display of the first device, a first interactive, georeferenced map and a plurality of user-selectable

symbols corresponding to the plurality of second devices, wherein the symbols are positioned on

the first georeferenced map at respective positions corresponding to the locations of the second

devices, and wherein the first georeferenced map includes data relating positions on the first

georeferenced map to spatial coordinates; sending, from the first device to the server, a request

for a second georeferenced map different from the first georeferenced map, wherein the request

specifies a map location; receiving, from the server, the second georeferenced map, wherein the

second georeferenced map includes the requested location and data relating positions on the

second georeferenced map to spatial coordinates; presenting, via the interactive display of the

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first device, the second georeferenced map and the plurality of user-selectable symbols

corresponding to the plurality of second devices, wherein the symbols are positioned on the

second georeferenced map at respective positions corresponding to the locations of the second

devices; and identifying user interaction with the interactive display selecting one or more of the

user-selectable symbols corresponding to one or more of the second devices and positioned on

the second georeferenced map and user interaction with the display specifying an action and,

based thereon, using an Internet Protocol to send data to the one or more second devices via the

server, wherein the first device does not have access to respective Internet Protocol addresses of

the second devices.

51.   For example, Family Mode and FamilyWhere allow users to share their locations

and view other users' locations on a map and to communicate with those users via the

application (as shown below) which controls the SMS messaging functionality of a device on

which it is installed.

52.   For example, Family Mode and FamilyWhere allows users to establish groups

(*e.g.* of family members), and to exchange messages and calls via SMS, and/or via interaction
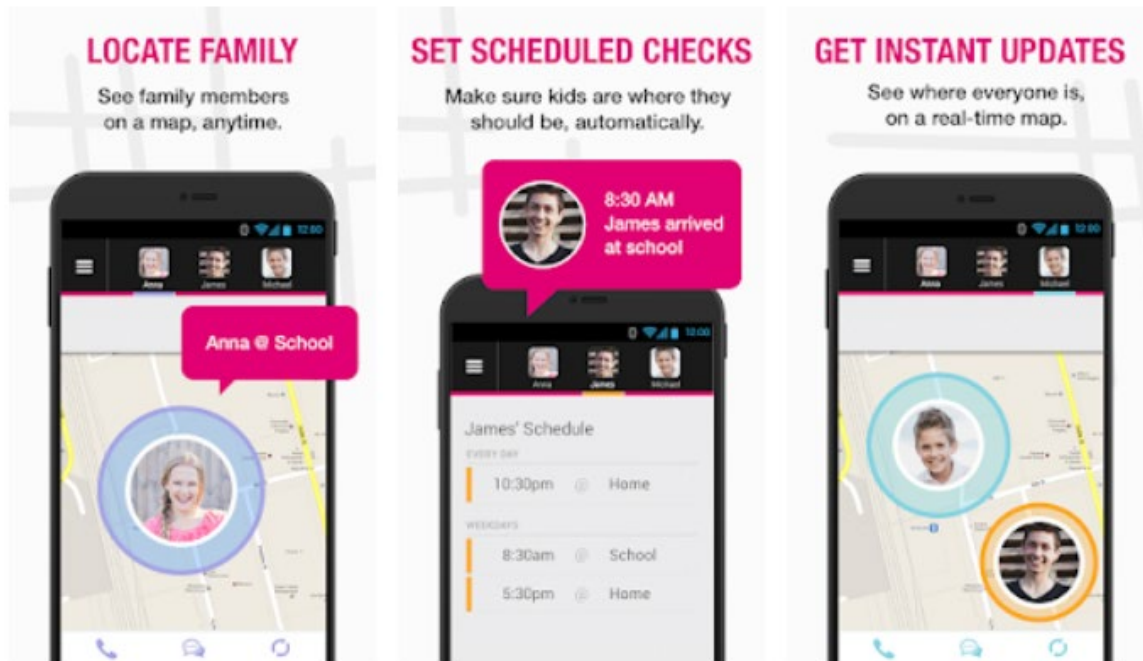
with T-Mobile's servers.

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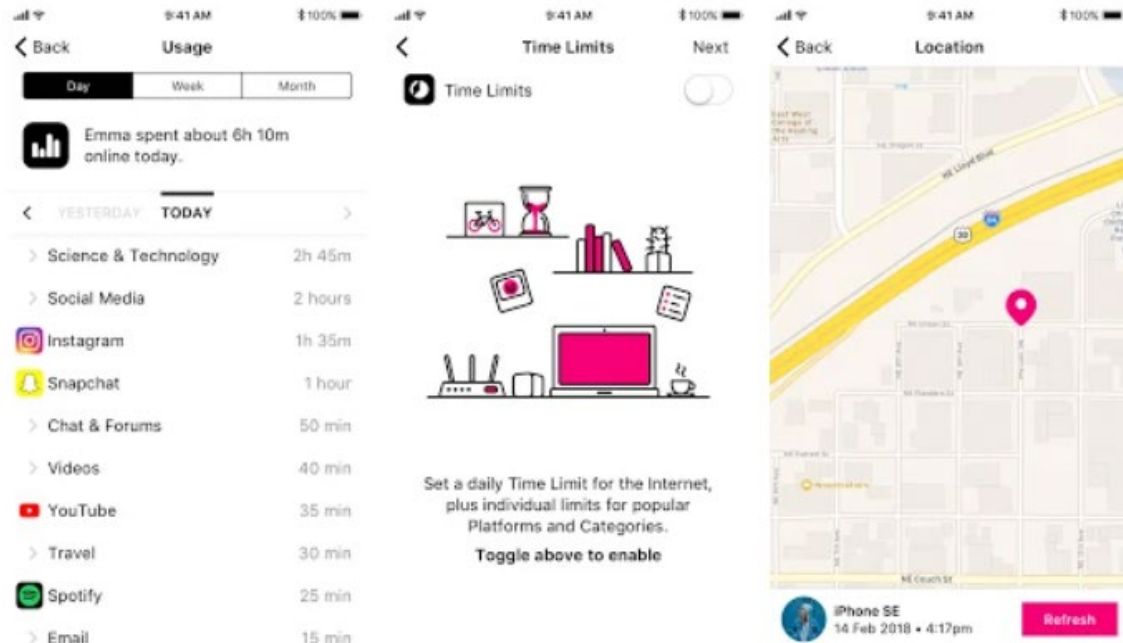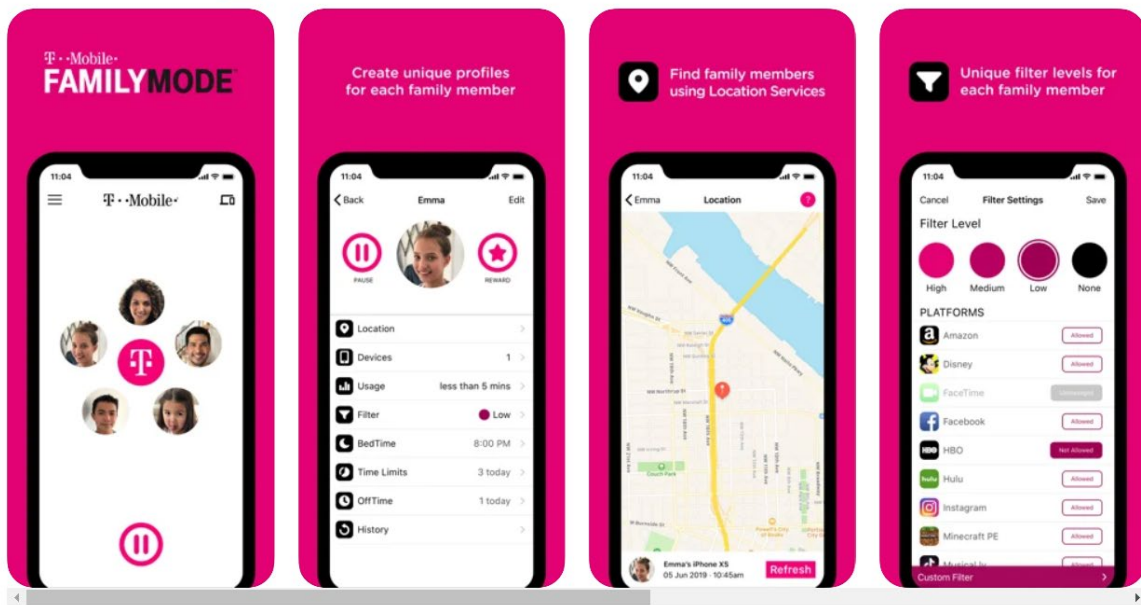
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53.   For example, Family Mode and FamilyWhere enable users to retrieve map information from multiple sources, including symbols corresponding with other group members.
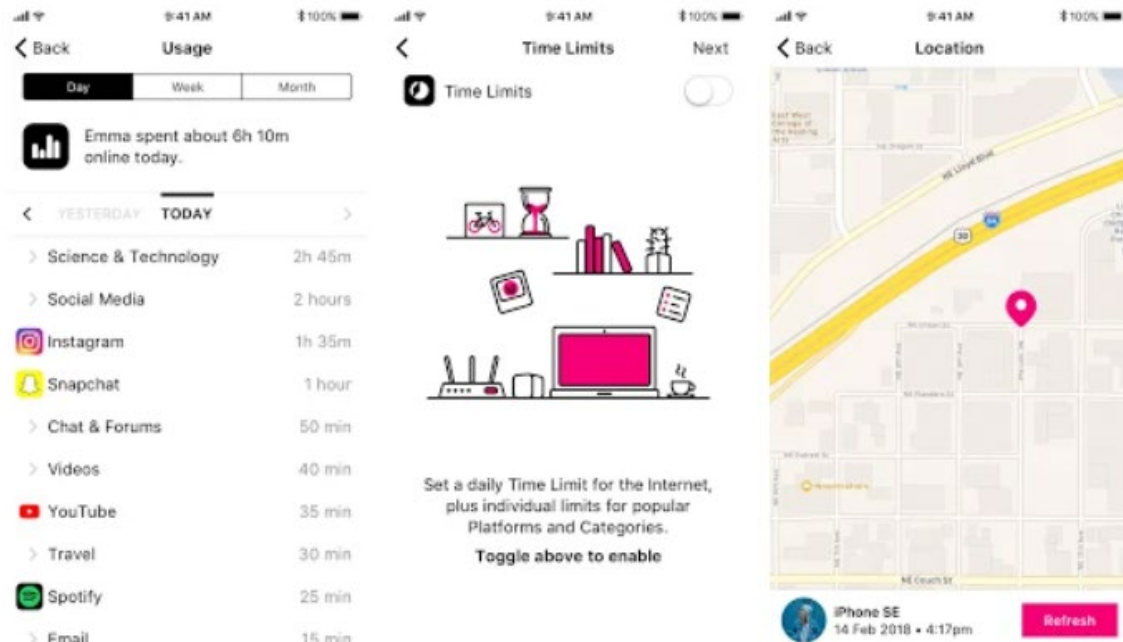
54.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

55.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS. For example, on information and belief, family member devices do not have access to other family member devices' IP addresses.
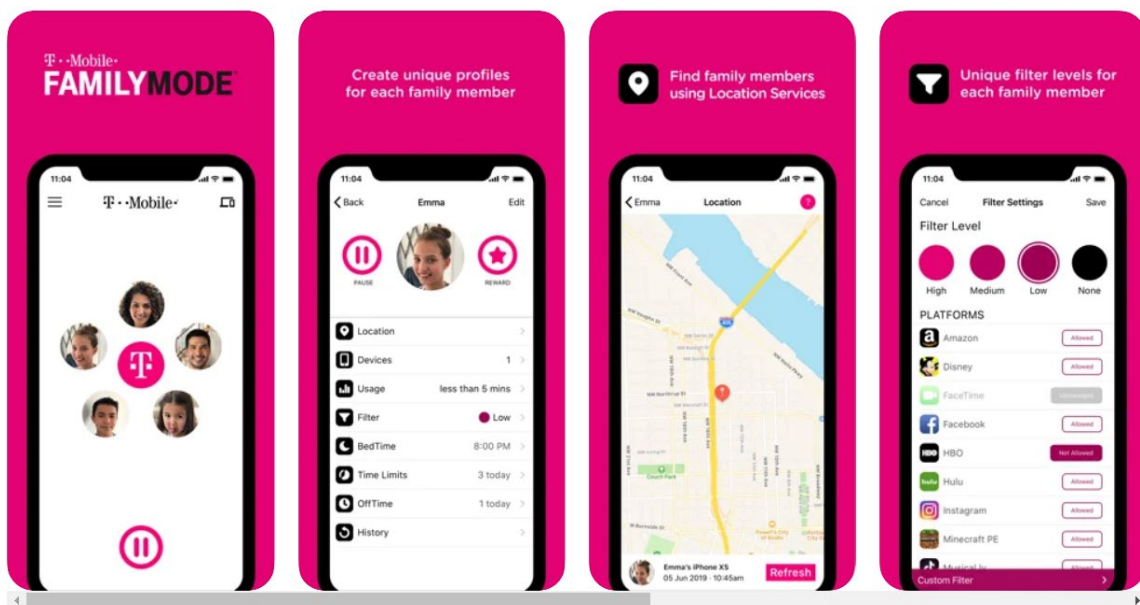

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

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56.   For example, Family Mode and FamilyWhere are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.
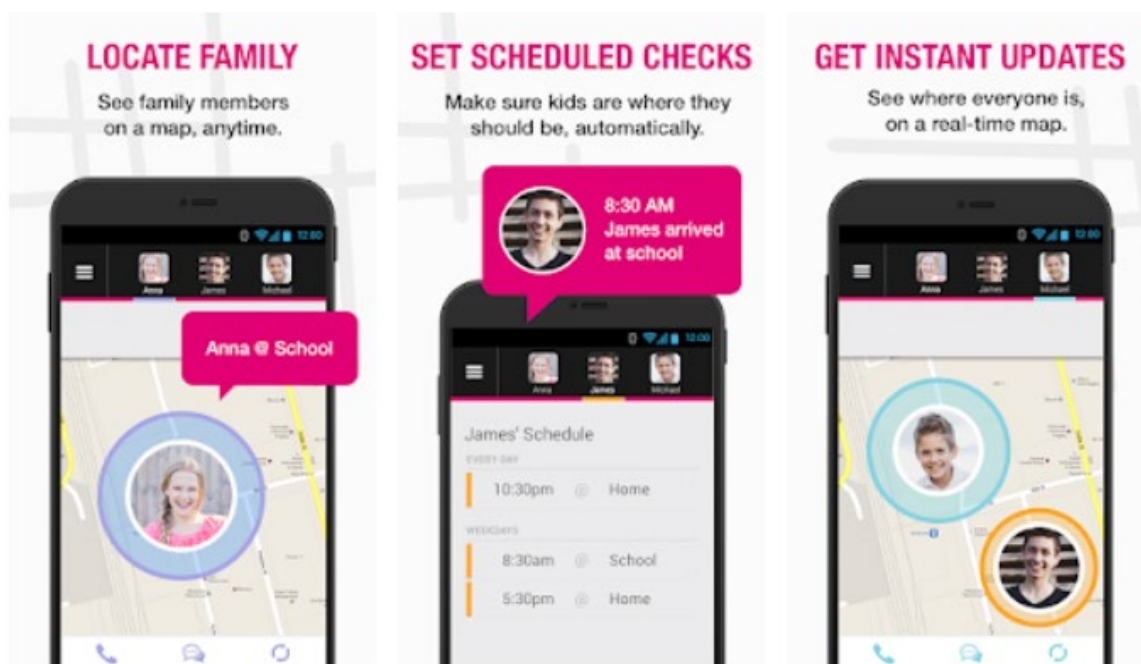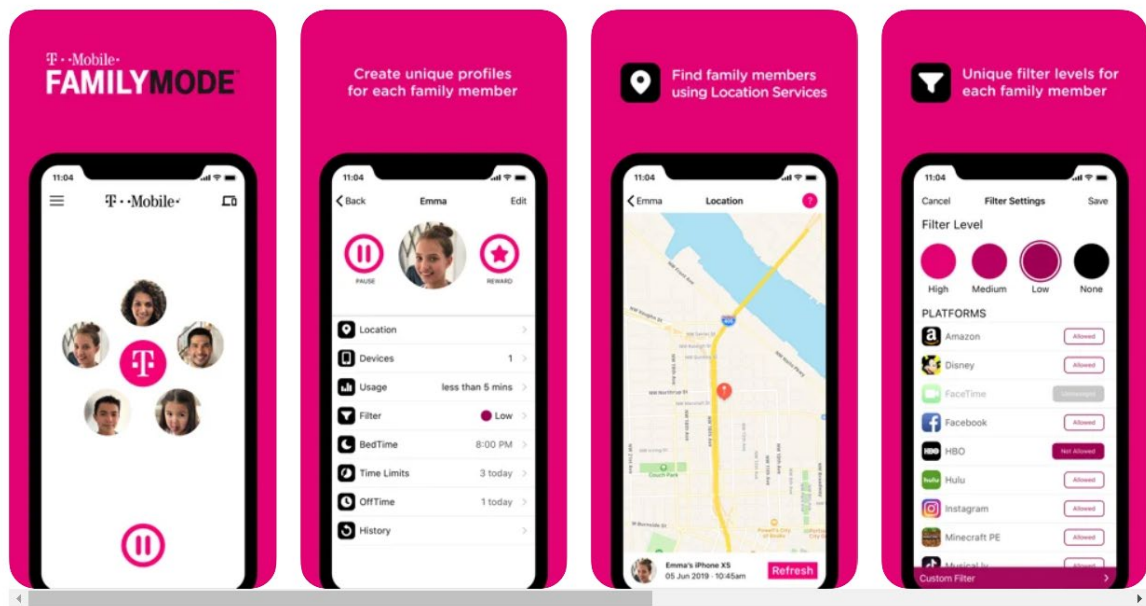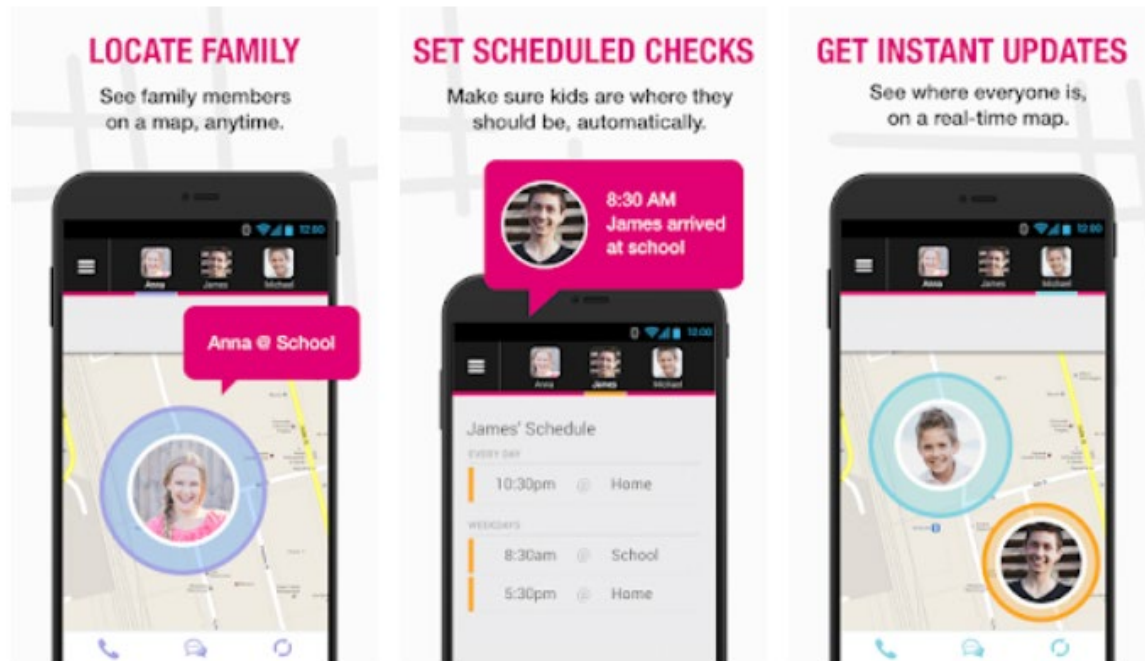

[34]

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57.   For example, Family Mode and FamilyWhere are further programmed to permit

interaction with the display where a user may select one or more symbols and where the

exemplary Accused Products further permit data to be sent to other devices based on that

interaction. The exemplary Accused Products are further programmed to permit users to specify

additional locations and to communicate those user-specified locations to other users via symbols

on an interactive display, as depicted below.

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Landmarks

Create Landmark via Android

1. Open the FamilyWhere app.
2. Navigate on the map using finger pinches and swipes to find the location where you want the landmark.
3. Touch the spot on the map where you want a landmark and hold for two seconds, then lift up your finger.
4. Select **Add a place**.
5. Enter landmark name, then select **OK**.

Note: The 'Landmarks' option from the main hamburger menu offers a 'Create Landmark' option that allows creating a landmark by typing an address, but this option currently rejects many residential addresses. A landmark must be created if the 'You must enter a valid address. Double check the address and try again.' error message is received..

Create Landmark via My T-Mobile

1. Log in to **My T-Mobile**.
2. Click your name button.
3. Click **Profile** > **Family Controls** > **FamilyWhere** > **Create a Landmark**.
4. Enter landmark address and name.
5. Click **Save and create**.

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

39 https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app

58.   Accused Products, such as T-Mobile Fleet Management Solutions, further include similar features and functionality to Family Mode and FamilyWhere and infringe in a substantially similar manner.[40]

59.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '251 Patent in an amount to be proved at trial.

60.   Defendants have had knowledge and notice of the '251 Patent at least as of the filing of the Complaint.

61.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '251 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendants' customers and end-users, in this District and elsewhere in the United States. For example, Defendants' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '251 Patent. Defendants induce this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants

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[40] https://www.t-mobile.com/business/solutions/fleet-management-solutions; https://www.t-mobile.com/support/devices/mobile-internet/syncup-and-internet-of-things/geotab-fleet-administration; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf; https://www.t-mobile.com/business/resources/geotab-fleet-tracking-system-training

intend and directly infringe the '251 Patent. Defendants perform these affirmative acts with knowledge of the '251 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '251 Patent.

62.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '251 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendants' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '251 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '251 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendants to be especially made or adapted for use in the infringement of the '251 Patent. Defendants perform these affirmative acts with knowledge of the '251 Patent and with intent, or willful blindness, that they cause the direct infringement of the '251 Patent.

63.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '251 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

64.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '251 Patent. Defendants' infringement of the '251 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT III
(Infringement of the '838 Patent)

65.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

66.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '838 Patent.

67.   Defendants infringe, contribute to the infringement of, and/or induce infringement of the '838 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '838 Patent, including but not limited to, the Accused Products.

68.   Defendants have and continue to directly infringe at least claim 54 of the '838 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

69.   Defendants have and continue to indirectly infringe at least claim 54 of the '838 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '838 Patent. For example, Defendants, with knowledge that the Accused Products infringe the '838 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '838 Patent.

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70.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 54 of the '838 Patent in the United States because Defendants' customers use the Accused Products, including at least Family Mode, FamilyWhere, and T-Mobile Fleet Management Solutions, alone or in conjunction with additional Accused Products, in accordance with Defendants' instructions and thereby directly infringe at least one claim of the '838 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instruct their customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf; https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE; https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-8pHRQ; and T-Mobile agents and representatives located within this Judicial District. Defendants is thereby liable for infringement of the '838 Patent under 35 U.S.C. § 271(b).

71.   Family Mode and FamilyWhere directly and indirectly infringe at least claim 54 of the '838 Patent by comprising a system of a first device programmed to perform operations comprising: joining a communication network corresponding to a group, wherein joining the communication network comprises transmitting a message including an identifier corresponding to the group; participating in the group, wherein participating in the group includes sending first location information to a first server and receiving second location information from the first server, the first location information comprising a location of the first device, the second location information comprising one or more locations of one or more respective second devices included in the group; presenting, via an interactive display of the first device, a first interactive, georeferenced map and a first set of one or more user-selectable symbols corresponding to a first set of one or more of the second devices, wherein the first set of symbols are positioned on the first georeferenced map at respective positions corresponding to the locations of the first set of second devices, and wherein first georeferenced map data relate positions on the first georeferenced map to spatial coordinates; sending, to a second server, a request for second georeferenced map data different from the first georeferenced map data; receiving, from the second server, the second georeferenced map data; presenting, via the interactive display of the first device, a second georeferenced map and a second set of one or more user-selectable symbols corresponding to a second set of one or more of the second devices, wherein the second set of symbols are positioned on the second georeferenced map at respective positions corresponding to the locations of the second set of second devices, and wherein the second georeferenced map data relate positions on the second georeferenced map to spatial coordinates; and identifying user interaction with the interactive display selecting one or more of the second set of user-selectable symbols corresponding to one or more of the second devices and positioned

on the second georeferenced map and user interaction with the display specifying an action and, based thereon, sending third data to the selected one or more second devices via the first server.
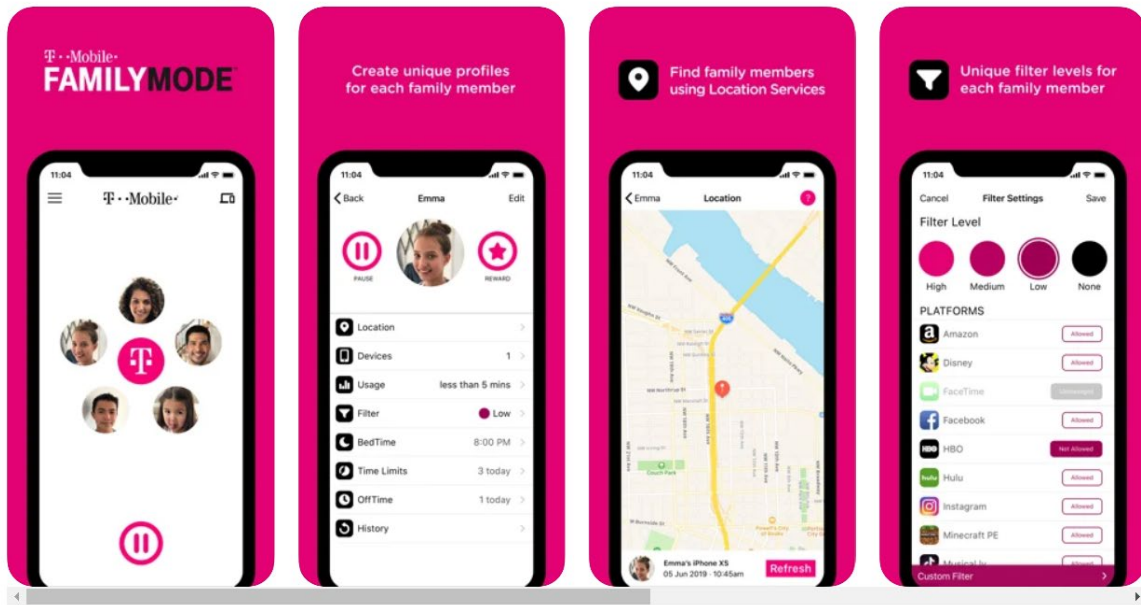
72.   For example, Family Mode and FamilyWhere allow users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

73.   For example, Family Mode and FamilyWhere allows users to establish groups (*e.g.* of family members), and to exchange messages and calls via SMS, and/or via interaction with T-Mobile's servers.
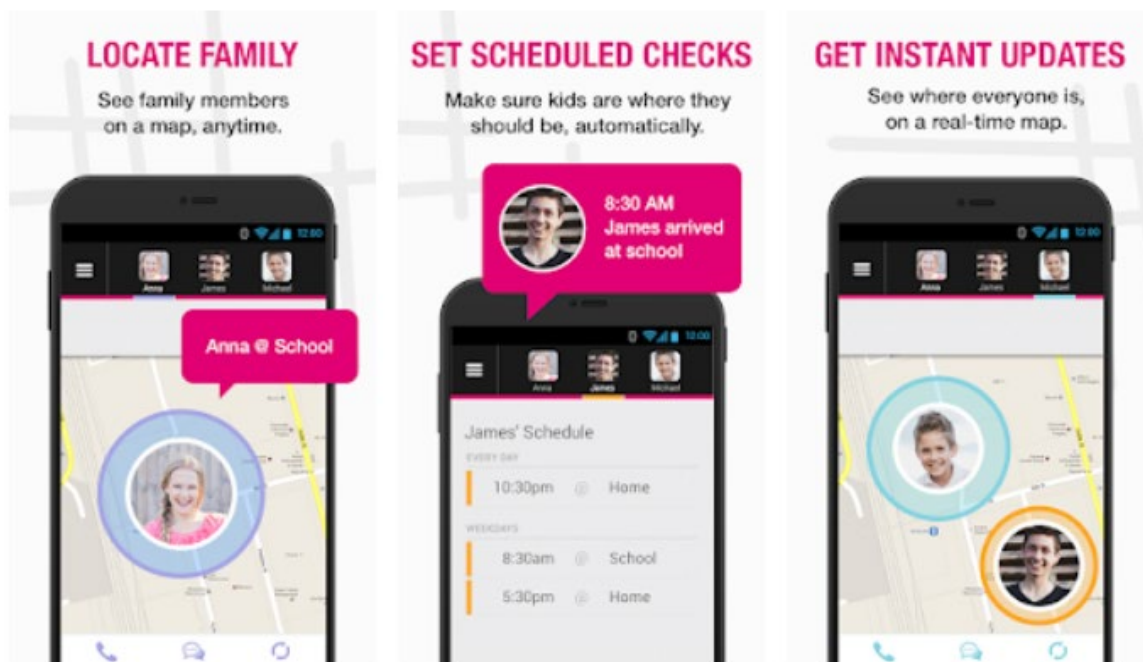

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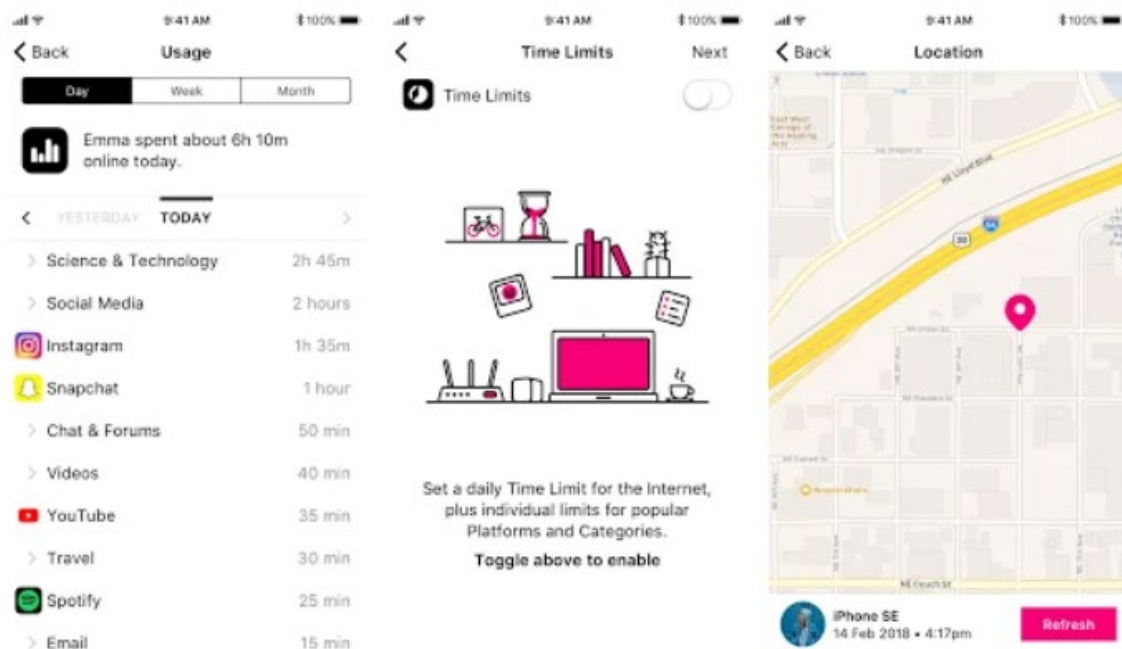
74.   For example, Family Mode and FamilyWhere enable users to retrieve map information from multiple sources, including symbols corresponding with other group members.
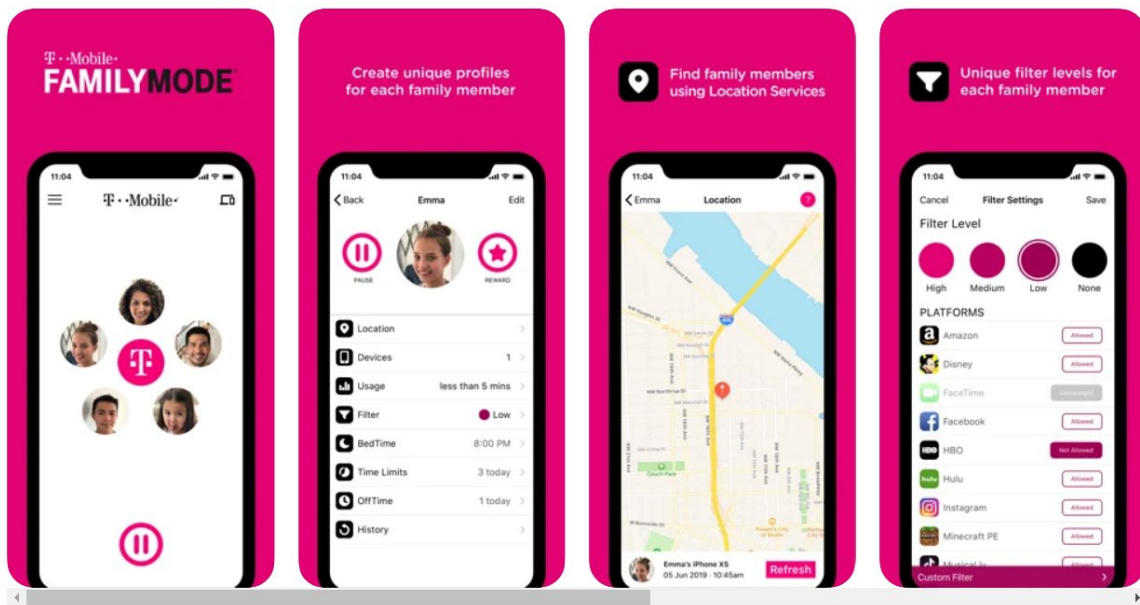
75.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

76.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS. For example, on information and belief, family member devices do not have access to other family member devices' IP addresses.

77.   For example, Family Mode and Family Where are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.
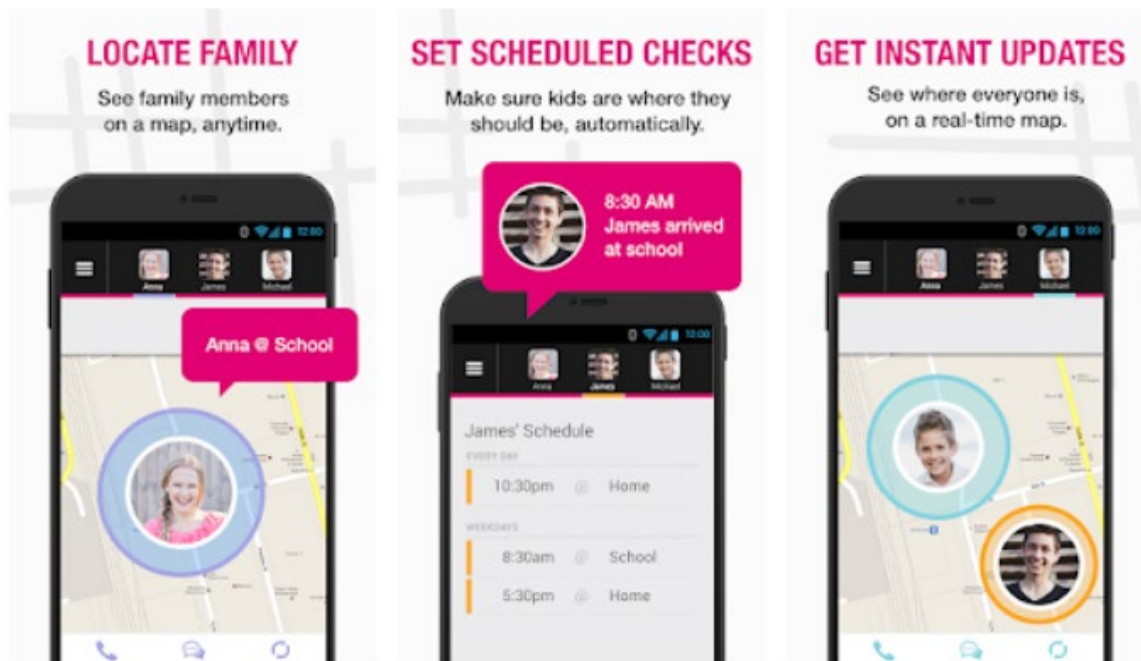
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44 https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US
45 https://apps.apple.com/us/app/t-mobile-familymode/id1348097043#?platform=iphone
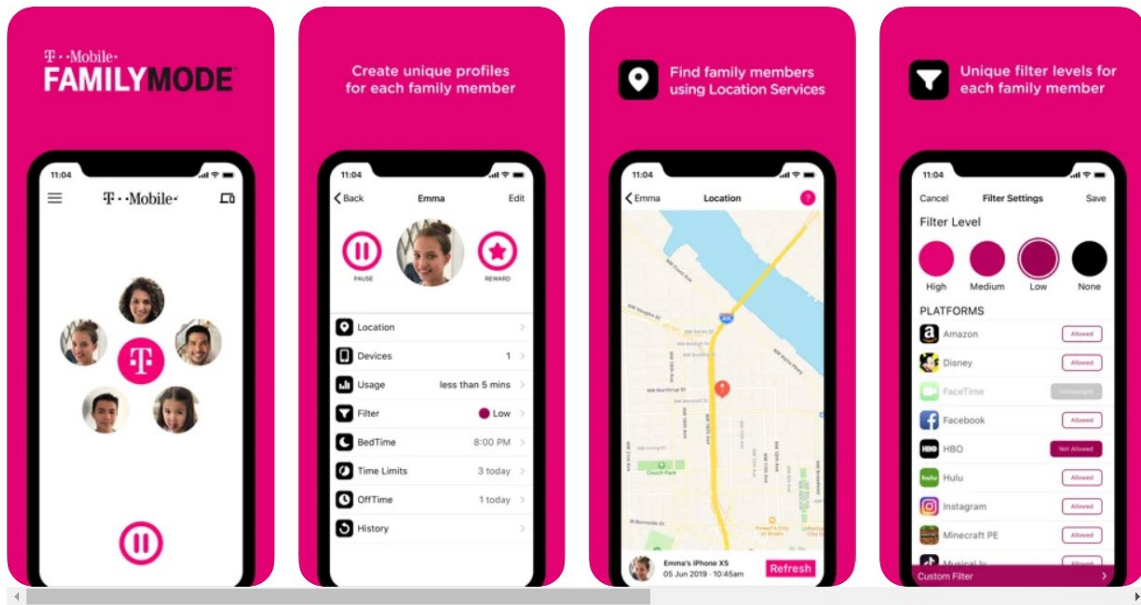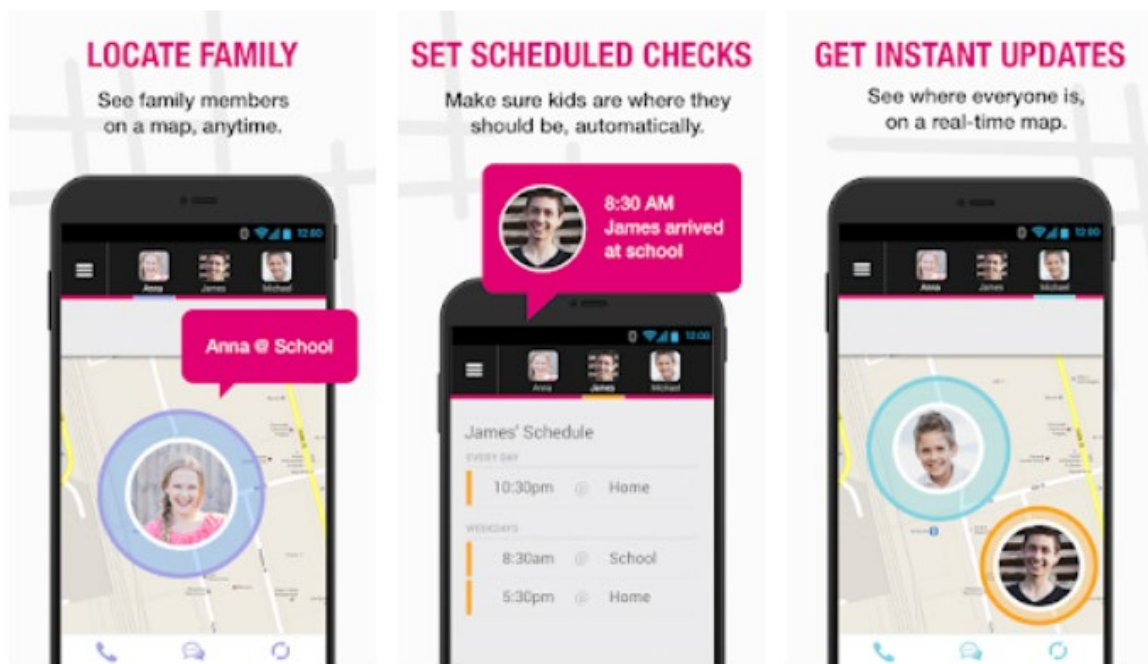
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78.   For example, Family Mode and FamilyWhere are further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

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Landmarks

Create Landmark via Android

1. Open the FamilyWhere app.
2. Navigate on the map using finger pinches and swipes to find the location where you want the landmark.
3. Touch the spot on the map where you want a landmark and hold for two seconds, then lift up your finger.
4. Select **Add a place**.
5. Enter landmark name, then select **OK**.

Note: The 'Landmarks' option from the main hamburger menu offers a 'Create Landmark' option that allows creating a landmark by typing an address, but this option currently rejects many residential addresses. A landmark must be created if the 'You must enter a valid address. Double check the address and try again.' error message is received..

Create Landmark via My T-Mobile

1. Log in to **My T-Mobile**.
2. Click your name button.
3. Click **Profile** > **Family Controls** > **FamilyWhere** > **Create a Landmark**.
4. Enter landmark address and name.
5. Click **Save and create**.

[49]

79.   For example, Family Mode further includes functionality for sharing data on battery levels between users.

- Toggle Push Notifications, which include messages for when a family member reaches a Time Limit, a new device joins FamilyMode, a new device is managing FamilyMode, Home Base has gone offline, has a low battery, has been reset, or other issues.

[50]

80.   For example, T-Mobile Fleet Management Solutions includes functionality to access a database in a cellular phone and/or tablet device with a touch screen display, such as a driver's smart phone.[51]

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[49] https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app
[50] https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf
[51] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.c5n2bylt8y5o

81.   For example, T-Mobile Fleet Management Solutions generate symbols

corresponding with vehicle locations, such as through a fleet manager portal, as shown below.[52]

Upon information and belief, T-Mobile Fleet Management Solutions further generates symbols

corresponding with vehicle locations on the display of a cellular phone, such as a manager and/or

a driver's smart phone or tablet.
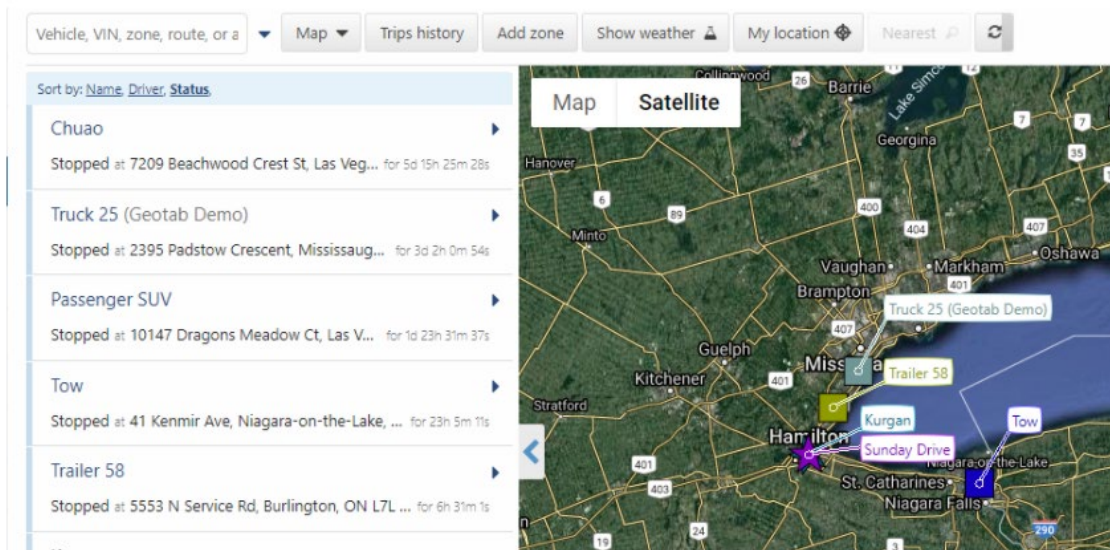
4.   Each vehicle's shape changes depending on its status:
   • Driving = triangle
   • Stopped = square
   • Stopped in zone = star

[53]

82.   For example, upon information and belief, T-Mobile Fleet Management Solutions

enables a manager and/or driver to place a call to a tracked vehicle through the Fleet

Management Portal, and a cellphone or tablet connected to the Fleet Management Portal, by

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[52] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-
DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u
[53] https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-
5Xfjag0W0gYcE/edit#

touching a symbol on the phone screen. T-Mobile Fleet Management Solutions further enables transmission of text message, photographs, voice recordings, and video to other users.[54]

83.   For example, upon information and belief, T-Mobile Fleet Management Solutions comprises and utilizes servers for establishing high-speed internet connections between users, such as between users and drivers.[55]

84.   For example, upon information and belief, calls placed through T-Mobile Fleet Management Solutions may be anonymized such that neither user is shown another user's phone number during IP-based data transmission.

85.   For example, T-Mobile Fleet Management Solutions establishes a communication network corresponding to a group of users, *e.g.*, drivers and managers. Upon information and belief, T-Mobile Fleet Management Solutions enable users to join a group by transmitting a message including an identifier, *e.g.*, a secure identification number and/or password, as shown below:

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[54] *Id.*
[55] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

Secured data

Geotab uses authentication, encryption, and message integrity verification for Geotab GO vehicle tracking devices and network interfaces. Each Geotab GO device uses a unique ID and non-static security key, making it difficult to fake a device's identity. Over-the-air updates use digitally-signed firmware to verify that updates comes from a trusted

[56]

86.   For example, T-Mobile Fleet Management Solutions includes functionality for a tracked vehicle to continually report its location (e.g., through a GPS device and/or smartphone).[57]

87.   For example, T-Mobile Fleet Management Solutions presents, via an interactive display (*e.g.* the display of a manager's smartphone or tablet), user selectable symbols corresponding with the locations of tracked vehicles. Upon information and belief, the locations of tracked vehicles on the screen are based on their longitude and latitude.

88.   Upon information and belief, T-Mobile Fleet Management Solutions comprises a number of distinct servers responsible for transmitting map data (*e.g.* map tiles) and location data

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[56] https://www.geotab.com/vehicle-tracking-device/
[57] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

(*e.g.* the longitude and latitude of tracked vehicles). Upon information and belief, the map and location data presented to users (*e.g.* managers) is updated as tracked vehicles move to new locations and enter new map areas.[58]

89.   Accused Products, such as T-Mobile Fleet Management Solutions, further include similar features and functionality to Family Mode and FamilyWhere and infringe in a substantially similar manner.[59]

90.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '838 Patent in an amount to be proved at trial.

91.   Defendants have had knowledge and notice of the '838 Patent at least as of the filing of the Complaint.

92.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '838 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendants' customers and end-users, in this District and elsewhere in the United States. For example, Defendants' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '838 Patent. Defendants induce this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing

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[58] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u
[59] https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf

instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants intend and directly infringe the '838 Patent. Defendants perform these affirmative acts with knowledge of the '838 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '838 Patent.

93.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '838 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendants' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '838 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '838 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendants to be especially made or adapted for use in the infringement of the '838 Patent. Defendants perform these affirmative acts with knowledge of the '838 Patent and with intent, or willful blindness, that they cause the direct infringement of the '838 Patent.

94.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '838 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

95.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '838 Patent. Defendants' infringement of the '838 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT IV
(Infringement of the '829 Patent)

96.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

97.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '829 Patent.

98.   Defendants infringe, contribute to the infringement of, and/or induce infringement of the '829 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '829 Patent including, but not limited to, the Accused Products.

99.   Defendants have and continue to directly infringe at least claim 68 of the '829 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

100.   Defendants have and continue to indirectly infringe at least claim 68 of the '829 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and

by instructing users of the Accused Products to perform methods claimed in the '829 Patent. For example, Defendants, with knowledge that the Accused Products infringe the '829 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '829 Patent in violation of 35 U.S.C. § 271(b).

101.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 68 of the '829 Patent in the United States because Defendants' customers use the Accused Products, including at least T-Mobile Family Mode, T-Mobile FamilyWhere, and T-Mobile Fleet Management Solutions installed on the Accused Products, alone or in conjunction with additional Accused Products, in accordance with Defendants' instructions and thereby directly infringe at least one claim of the '838 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instruct their customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-

production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf;

https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-

Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE;

https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-

8pHRQ; and T-Mobile agents and representatives located within this Judicial District.

Defendants are thereby liable for infringement of the '829 Patent under 35 U.S.C. § 271(b).

102.   Family Mode and FamilyWhere directly and indirectly infringe at least claim 68

of the '829 Patent by comprising a system of a second device programmed to perform operations

comprising: receiving, from a first device via a first server, a request to join a group, wherein the

group includes the first device; sending, to the first server, an indication of acceptance of the

request, wherein the first server is configured to join the first device to the group based on the

acceptance of the request, and wherein joining the first device to the group comprises authorizing

the first device to repeatedly share device location information and repeatedly engage in remote

control operations with each device included in the group; sending a first message to the first

server, wherein the first message comprises data identifying the first device and a request for a

first updated location of the first device, and wherein the first server is configured to send a

second message to the first device based on and in response to receiving the first message from

the second device, wherein the second message comprises a request for the first updated location

of the first device; after sending the first message, receiving, from the first server, a response to

the first message, the response including first location information comprising the first updated

location of the first device; receiving, from a second server, georeferenced map data; presenting,

via a display of the second device, a georeferenced map based on the georeferenced map data

and a symbol corresponding to the first device, wherein the symbol is positioned on the

georeferenced map at a first position corresponding to the first updated location of the first

device, and wherein the georeferenced map data relate positions on the georeferenced map to

spatial coordinates; after receiving the first location information and the georeferenced map data,

and after presenting the georeferenced map and the symbol positioned on the georeferenced map

at the first position corresponding to the first updated location of the first device, receiving

second location information comprising a second updated location of the first device from the

first server, and using the server-provided georeferenced map data and the second location

information to reposition the symbol on the georeferenced map at a second position

corresponding to the second updated location of the first device; and identifying user interaction

with the display specifying an action and, based thereon, sending, to the first server, a third

message related to remotely controlling the first device to perform an action, wherein the first

server is configured to send a fourth message to the first device based on receiving the third

message from the second device, wherein the fourth message relates to remotely controlling the

first device to perform the action, and wherein the first device is configured to perform the action

based on receiving the fourth message.

103.   For example, Family Mode and FamilyWhere allow users to share their locations

and view other users' locations on a map and to communicate with those users via the

application (as shown below) which controls the SMS messaging functionality of a device on

which it is installed.

104.   For example, Family Mode and FamilyWhere allow users to establish groups (*e.g.*

of family members), and to exchange messages and calls via SMS, and/or via interaction with T-
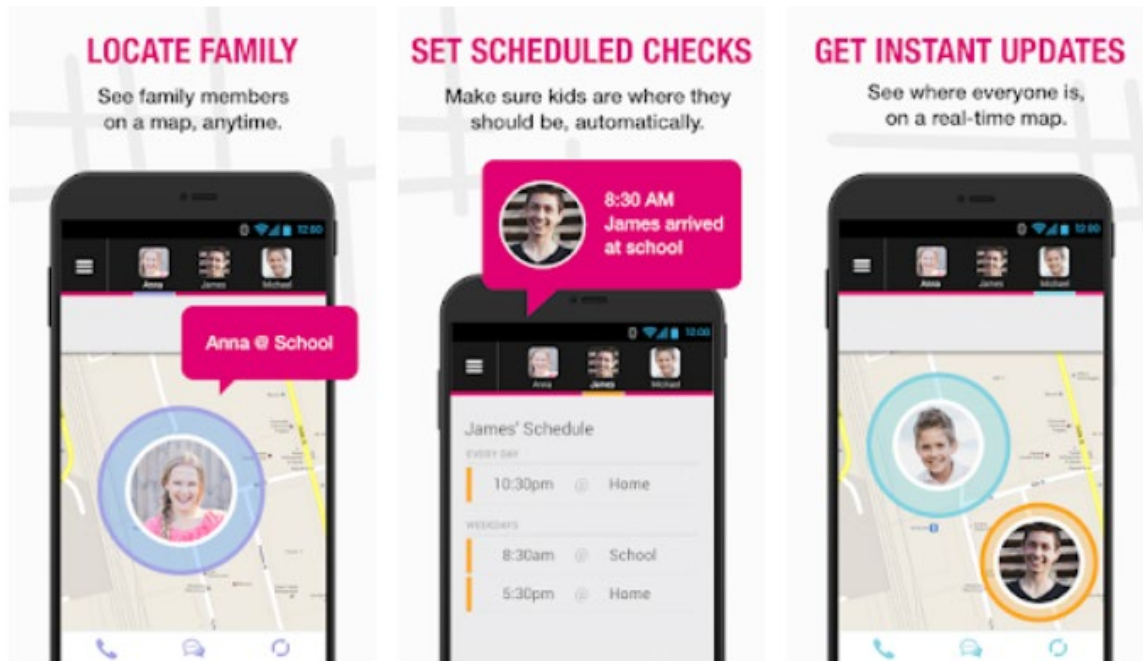
Mobile's servers.

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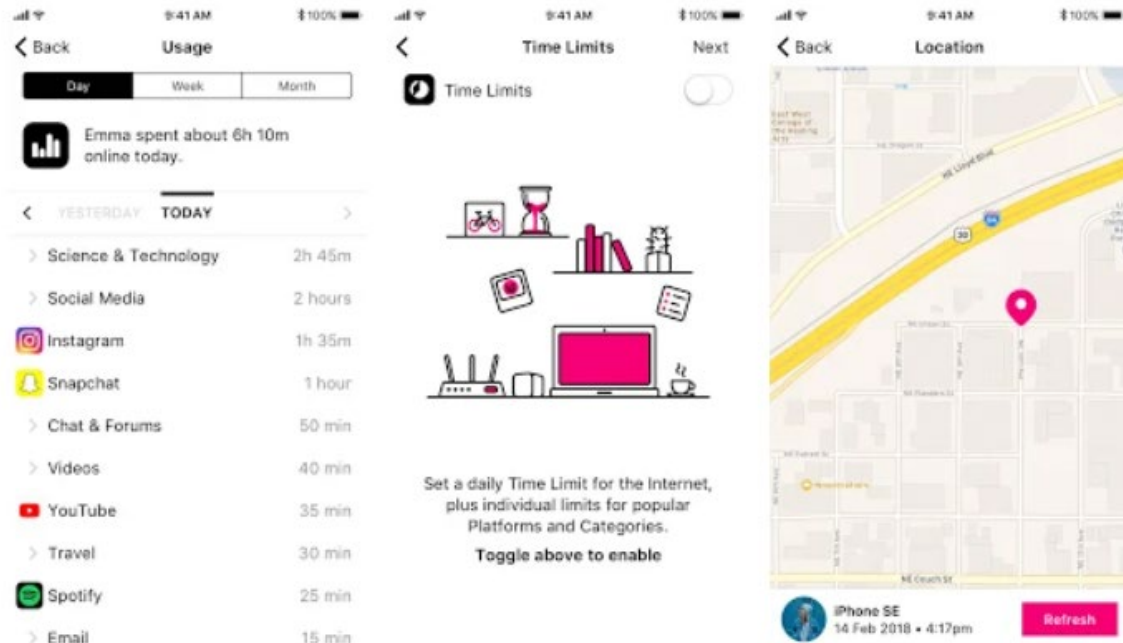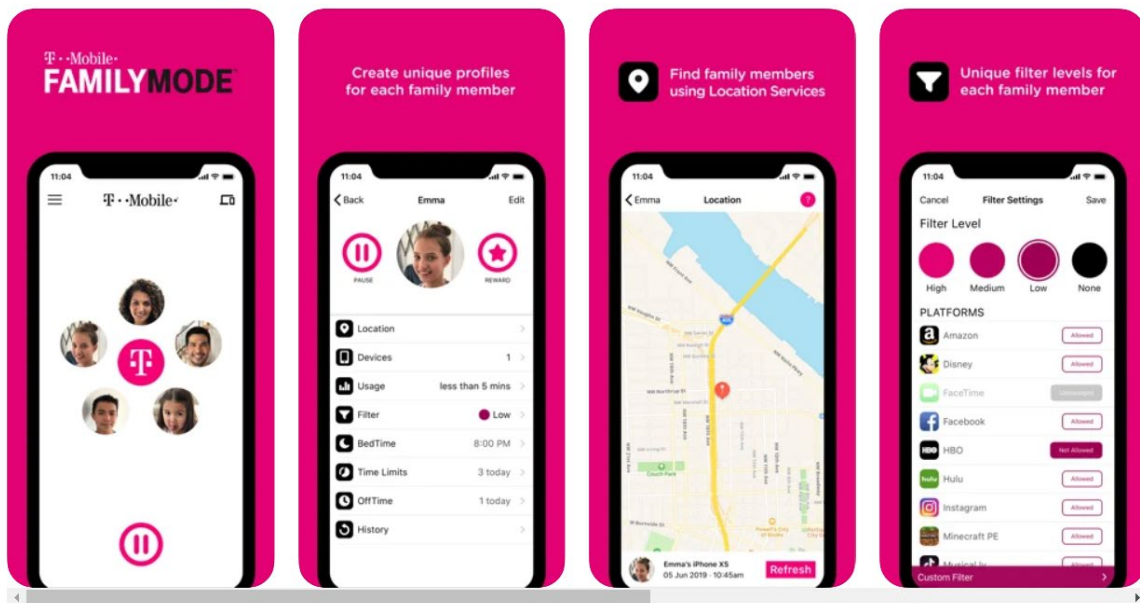
61

<div align="right">62</div>

105.   For example, Family Mode and FamilyWhere enable users to retrieve map information from multiple sources, including symbols corresponding with other group members.
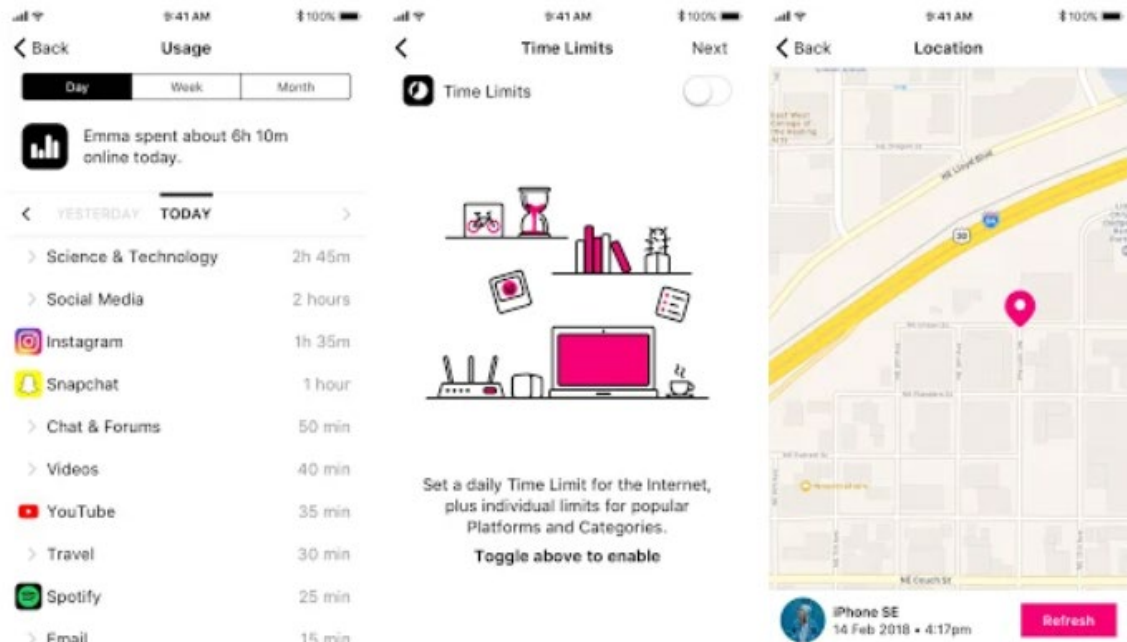
106.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

107.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS. For example, on information and belief, family member devices do not have access to other family member devices' IP addresses.
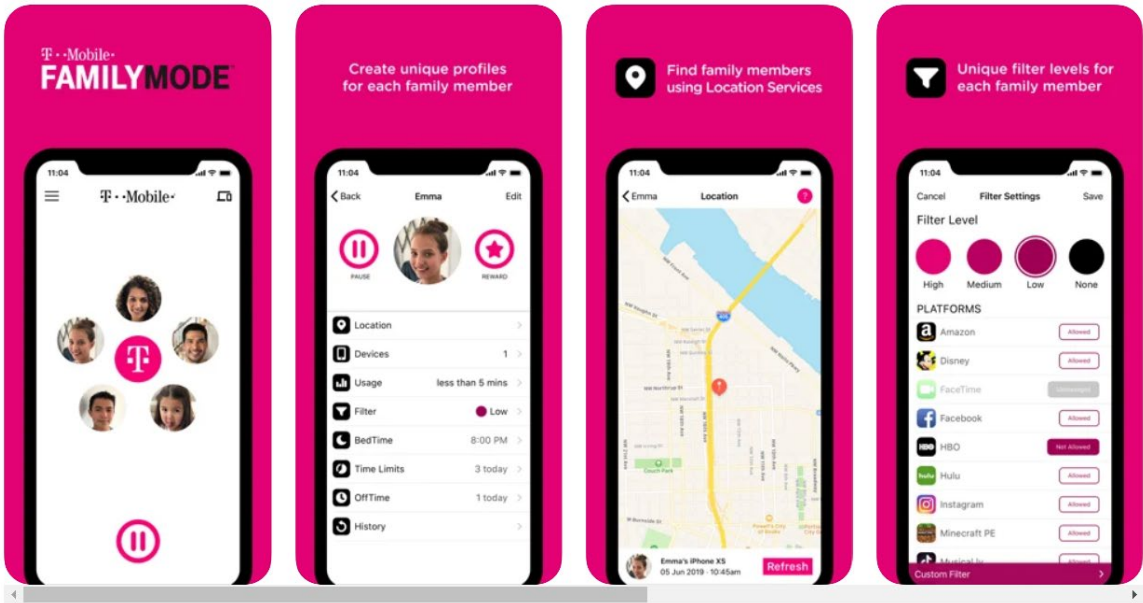

62
https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

108.   For example, Family Mode and FamilyWhere are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.
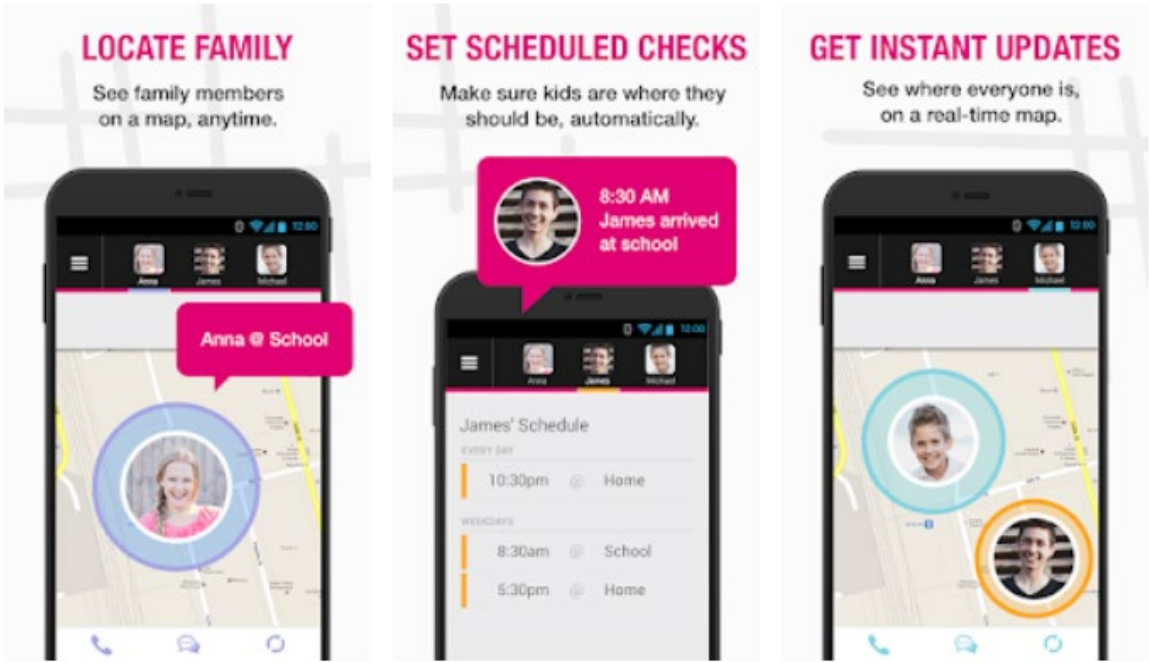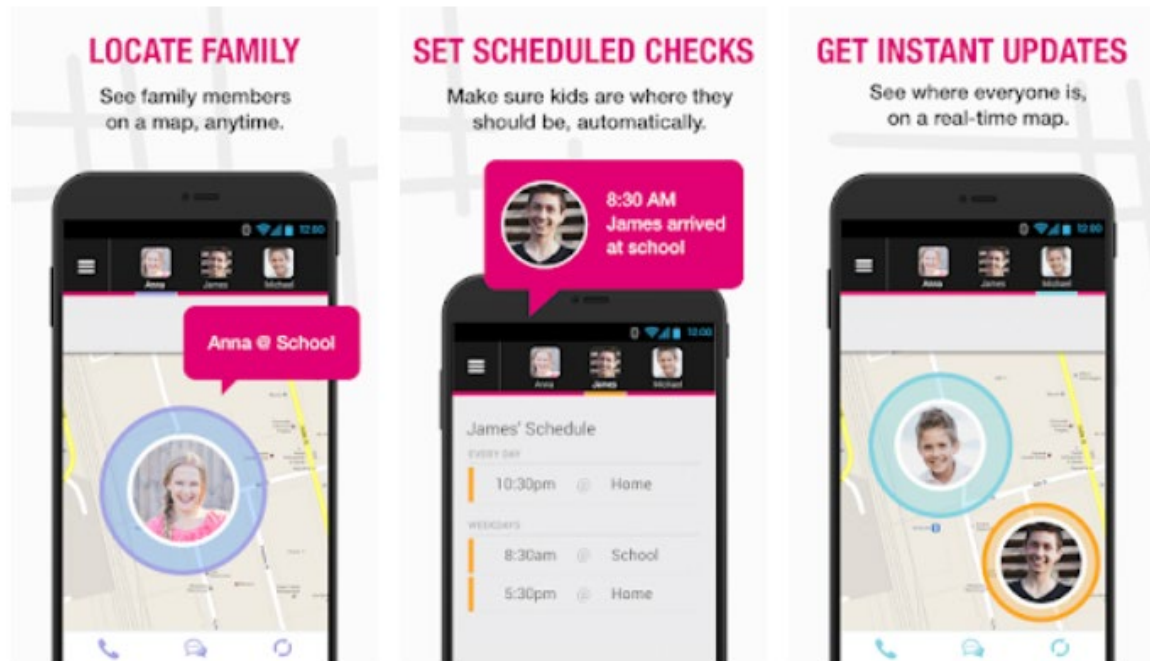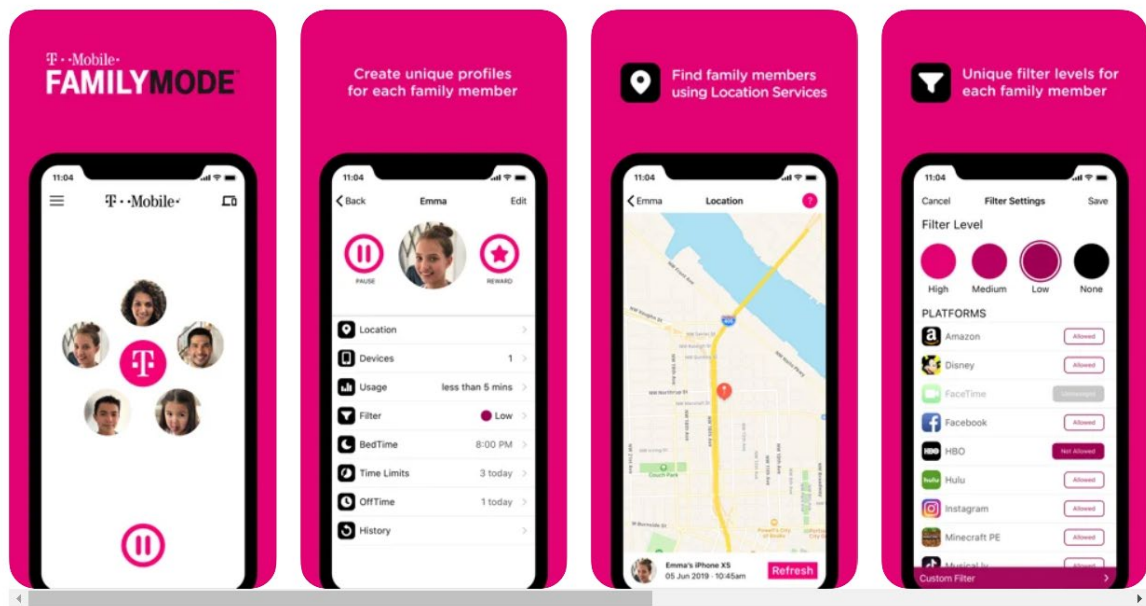

[63]

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109.   For example, Family Mode and FamilyWhere are further programmed to permit

interaction with the display where a user may select one or more symbols and where the

exemplary Accused Products further permit data to be sent to other devices based on that

interaction. The exemplary Accused Products are further programmed to permit users to specify

additional locations and to communicate those user-specified locations to other users via symbols

on an interactive display, as depicted below.

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

[68] https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app

110.   For example, T-Mobile Family Mode further includes functionality for sharing

data on battery levels between users.

> • Toggle Push Notifications, which include messages for when a
> family member reaches a Time Limit, a new device joins
> FamilyMode, a new device is managing FamilyMode, Home
> Base has gone offline, has a low battery, has been reset, or
> other issues.

[69]

111.   Accused Products, such as T-Mobile Fleet Management Solutions further include

similar features and functionality to Family Mode and FamilyWhere and infringe in a

substantially similar manner.[70]

112.   AGIS Software has suffered damages as a result of Defendants' direct and

indirect infringement of the '829 Patent in an amount to be proved at trial.

113.   Defendants have had knowledge and notice of the '829 Patent at least as of the

filing of the Complaint.

114.   Defendants have indirectly infringed and continue to indirectly infringe one or

more claims of the '829 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by

others, such as Defendants' customers and end-users, in this District and elsewhere in the United

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[69] https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf

[70] https://www.t-mobile.com/business/solutions/fleet-management-solutions; https://www.t-mobile.com/support/devices/mobile-internet/syncup-and-internet-of-things/geotab-fleet-administration; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf; https://www.t-mobile.com/business/resources/geotab-fleet-tracking-system-training

States. For example, Defendants' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '829 Patent. Defendants induce this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants intends and directly infringe the '829 Patent. Defendants perform these affirmative acts with knowledge of the '829 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '829 Patent.

115.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '829 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendants' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '829 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '829 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendants to be especially made or adapted for use in the infringement of the '829 Patent. Defendants perform these affirmative acts with knowledge of the '829 Patent and with intent, or willful blindness, that they cause the direct infringement of the '829 Patent.

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116.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '829 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

117.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '829 Patent. Defendants' infringement of the '829 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

<u>**COUNT V**</u>
(Infringement of the '724 Patent)

118.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

119.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '724 Patent.

120.   Defendants infringe, contribute to the infringement of, and/or induce infringement of the '724 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '724 Patent including, but not limited to, the Accused Products.

121.   Defendants have and continue to directly infringe at least claim 9 of the '724 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

122.   Defendants have and continue to indirectly infringe at least claim 9 of the '724

Patent by actively, knowingly, and intentionally inducing others to directly infringe, either

literally or under the doctrine of equivalents, by making, using, selling, offering for sale,

distributing, exporting from, and/or importing into the United States the Accused Products and

by instructing users of the Accused Products to perform methods claimed in the '724 Patent. For

example, Defendants, with knowledge that the Accused Products infringe the '724 Patent at least

as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to

knowingly and intentionally induce direct infringement of the '724 Patent in violation of 35

U.S.C. § 271(b).

123.   For example, Defendants have indirectly infringed and continue to indirectly

infringe at least claim 9 of the '724 Patent in the United States because Defendants' customers

use the Accused Products, including at least the T-Mobile Family Mode Application, T-Mobile

FamilyWhere Application, and T-Mobile Fleet Management Solutions, alone or in conjunction

with additional Accused Products (*e.g.* supporting hardware and software), in accordance with

Defendants' instructions and thereby directly infringe at least claim 9 of the '724 Patent in

violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instructs its

customers to infringe through training videos, demonstrations, brochures, installations and/or

user guides, such as those located at one or more of the following: https://www.t-

mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-

features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-

app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits;

https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-

DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6;

https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-

5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc;

https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-

production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf;

https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-

Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE;

https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-

8pHRQ; and T-Mobile agents and representatives located within this Judicial District.

Defendants is thereby liable for infringement of the '724 Patent under 35 U.S.C. § 271(b).

124.   Defendants directly and/or indirectly infringe by practicing a method for

providing a cellular phone communication network for designated participating users, each user

having a similarly equipped cellular phone that includes a CPU, GPS navigational system, an

interact message transmitter and receiver and a touch screen display comprising: accessing a

database in each cell phone that includes a geographical map of a predetermined area for user

viewing on the touch screen display; accessing an application program in each cell phone for

generating one or more symbols representative of one or more participating users, each of whom

have a similarly equipped cellular phone; accessing a database in each cell phone that includes

cellular telephone numbers of each of the participating users having similarly equipped cellular

phones, said database including the generation of one or more symbols associated with a

particular participating user; calling a participating user by touching the symbol on the map

display and touching a call switch; connecting each of the cell phones to an internet connection;

and exchanging IP addresses using SMS or other digital message format between and among

each of the network participant users so that communications between participants is established

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via IP or transmission of a network participant's IP address to a server which then transmits data to other network participants using the IP address previously.

125.   For example, Family Mode and FamilyWhere allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

126.   For example, Family Mode and FamilyWhere allows users to establish groups (*e.g.* of family members), and to exchange messages and calls via SMS, and/or via interaction with T-Mobile's servers.
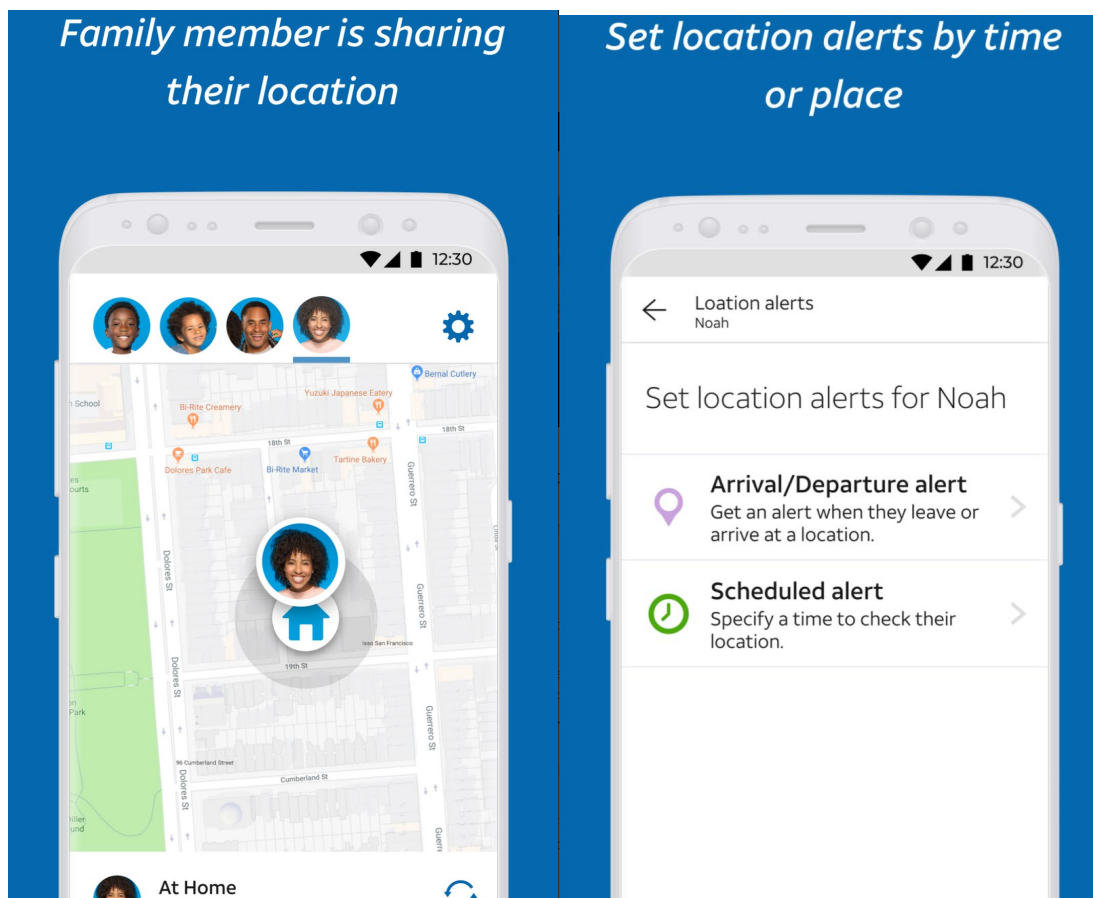

127.   For example, Family Mode and FamilyWhere enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

128.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

129.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS. For example, on information and belief, family member devices do not have access to other family member devices' IP addresses.

130.   For example, Family Mode and FamilyWhere are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.

131.   For example, Family Mode and FamilyWhere are further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.
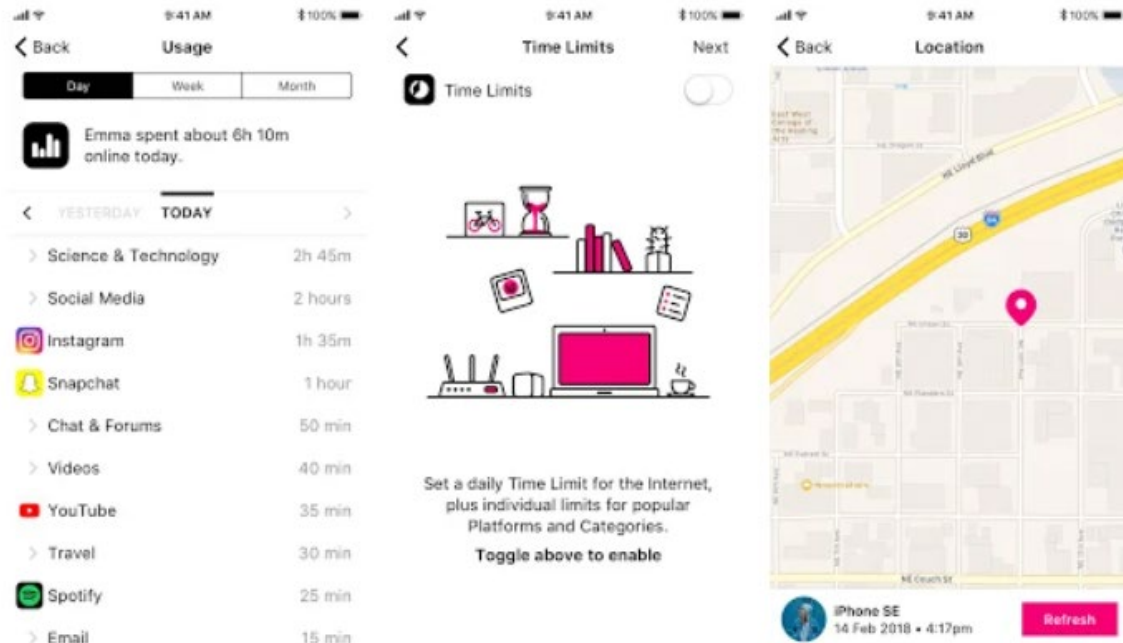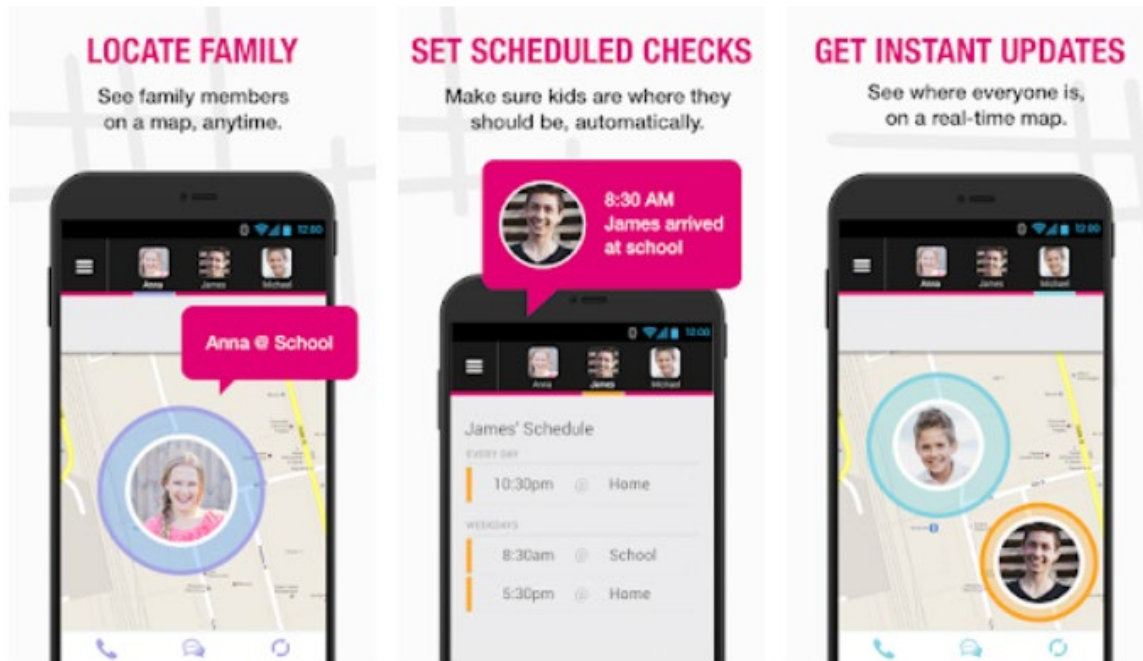
71
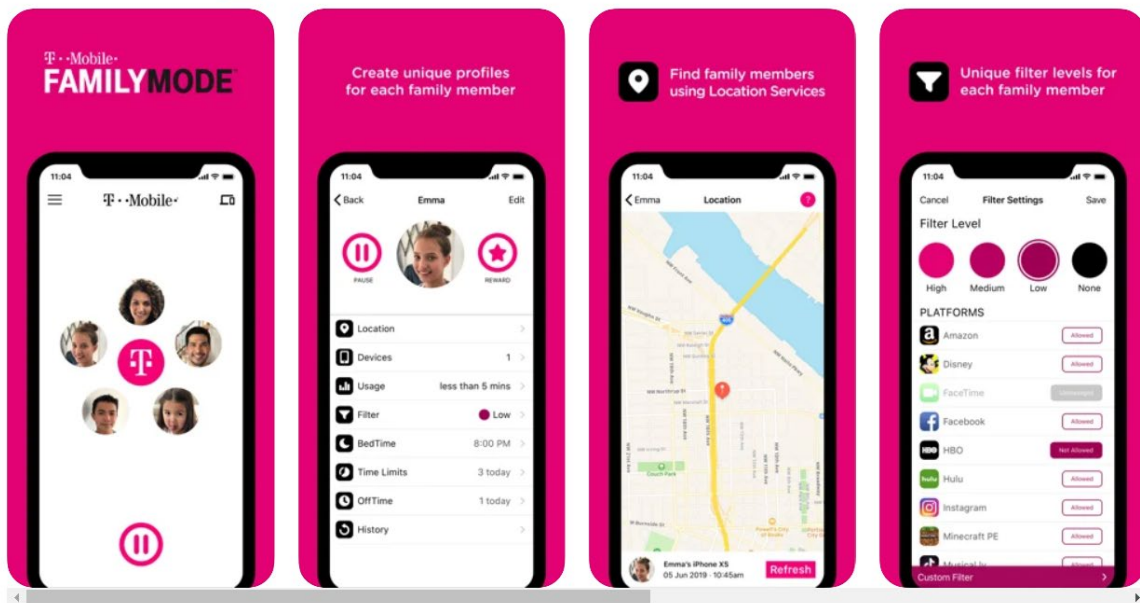
72

[71] https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US

[72] https://apps.apple.com/us/app/t-mobile-familymode/id1348097043#?platform=iphone

LOCATE FAMILY
See family members on a map, anytime.

SET SCHEDULED CHECKS
Make sure kids are where they should be, automatically.

GET INSTANT UPDATES
See where everyone is, on a real-time map.

[73]

132.   For example, T-Mobile Fleet Management Solutions includes functionality to access a database in a cellular phone with a touch screen display, such as a driver's smart phone.[74]
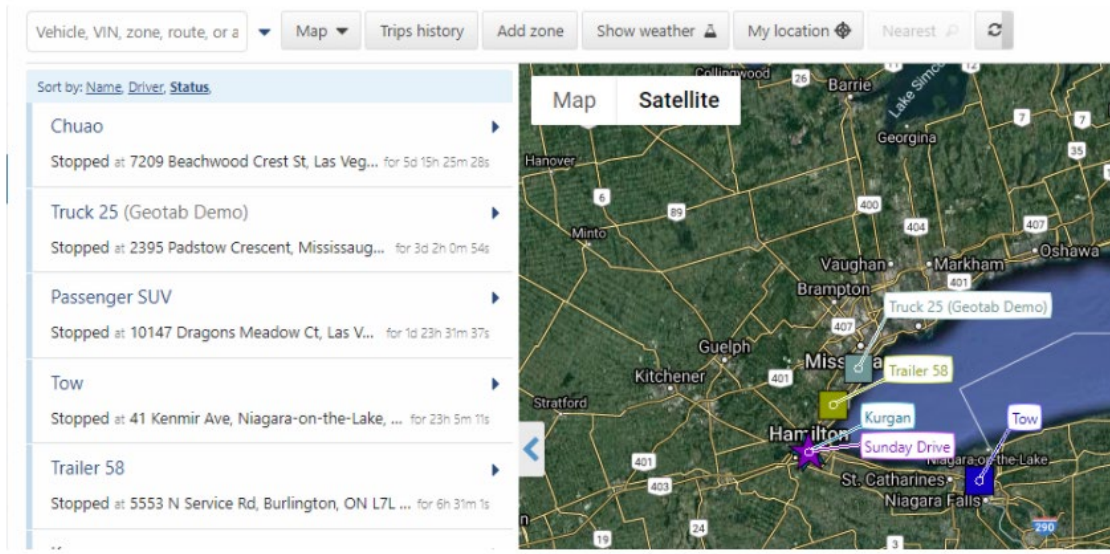
133.   For example, T-Mobile Fleet Management Solutions generate symbols corresponding with vehicle locations, such as through a fleet manager portal, as shown below.[75] Upon information and belief, T-Mobile Fleet Management Solutions further generates symbols corresponding with vehicle locations on the display of a cellular phone, such as a manager and/or a driver's smart phone or tablet.

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[73]

https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

[74] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

[75] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

4.   Each vehicle's shape changes depending on its status:

   - Driving = triangle
   - Stopped = square
   - Stopped in zone = star

[76]

134.   For example, upon information and belief, T-Mobile Fleet Management Solutions

enables a manager and/or driver to place a call to a tracked vehicle through the Fleet

Management Portal, and a cellphone or tablet connected to the fleet management portal, by

touching a symbol on the phone screen. T-Mobile Fleet Management Solutions further enables

transmission of text message, photographs, voice recordings, and video to other users.[77]

135.   For example, upon information and belief, T-Mobile Fleet Management Solutions

comprises and utilizes servers for establishing high-speed internet connections between users,

such as between users and drivers.[78]

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[76] https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#

[77] *Id.*

[78] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

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136.   For example, upon information and belief, calls placed through T-Mobile Fleet

Management Solutions may be anonymized such that neither user is shown another user's phone

number during IP-based data transmission.

137.   For example, T-Mobile Fleet Management Solutions establishes a communication

network corresponding to a group of users, *e.g.*, drivers and managers. Upon information and

belief, T-Mobile Fleet Management Solutions enable users to join a group by transmitting a

message including an identifier, *e.g.*, a secure identification number and/or password, as shown

below:

Secured data

Geotab uses authentication,
encryption, and message integrity
verification for Geotab GO vehicle
tracking devices and network
interfaces. Each Geotab GO
device uses a unique ID and non-
static security key, making it
difficult to fake a device's identity.
Over-the-air updates use digitally-
signed firmware to verify that
updates comes from a trusted [79]

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[79] https://www.geotab.com/vehicle-tracking-device/

138.   Accused Products, such as T-Mobile Fleet Management Solutions, further include similar features and functionality to Family Mode and FamilyWhere and infringe in a substantially similar manner.[80]

139.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '724 Patent in an amount to be proved at trial.

140.   Defendants have had knowledge and notice of the '724 Patent at least as of the filing of the Complaint.

141.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '724 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendants' customers and end-users, in this District and elsewhere in the United States. For example, Defendants' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '724 Patent. Defendants induces this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants

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[80] https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf

intends and directly infringe the '724 Patent. Defendants performs these affirmative acts with

knowledge of the '724 Patent and with the intent, or willful blindness, that the induced acts

directly infringe the '724 Patent.

142.   Defendants have indirectly infringed and continue to indirectly infringe one or

more claims of the '724 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct

infringement by others, such as customers and end-users, in this District and elsewhere in the

United States. Defendants' affirmative acts of selling and offering to sell the Accused Products

in this District and elsewhere in the United States and causing the Accused Products to be

manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the

Accused Products such that the '724 Patent is directly infringed by others. The accused

components within the Accused Products are material to the invention of the '724 Patent, are not

staple articles or commodities of commerce, have no substantial non-infringing uses, and are

known by Defendants to be especially made or adapted for use in the infringement of the '724

Patent. Defendants performs these affirmative acts with knowledge of the '724 Patent and with

intent, or willful blindness, that they cause the direct infringement of the '724 Patent.

143.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a

result of Defendants' infringement of the '724 Patent for which there is no adequate remedy at

law, unless Defendants' infringement is enjoined by this Court.

144.   Defendants have committed and continues to commit acts of infringement that

Defendants actually knew or should have known constituted an unjustifiably high risk of

infringement of at least one valid and enforceable claim of the '724 Patent. Defendants'

infringement of the '724 Patent has been and continues to be willful, entitling AGIS Software to

an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT VI
(Infringement of the '728 Patent)

145.   Paragraphs 1 through 21 are incorporated herein by reference as if fully set forth in their entireties.

146.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '728 Patent.

147.   Defendants infringes, contributes to the infringement of, and/or induces infringement of the '728 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '728 Patent including, but not limited to, the Accused Products.

148.   Defendants have and continues to directly infringe at least claim 7 of the '728 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).
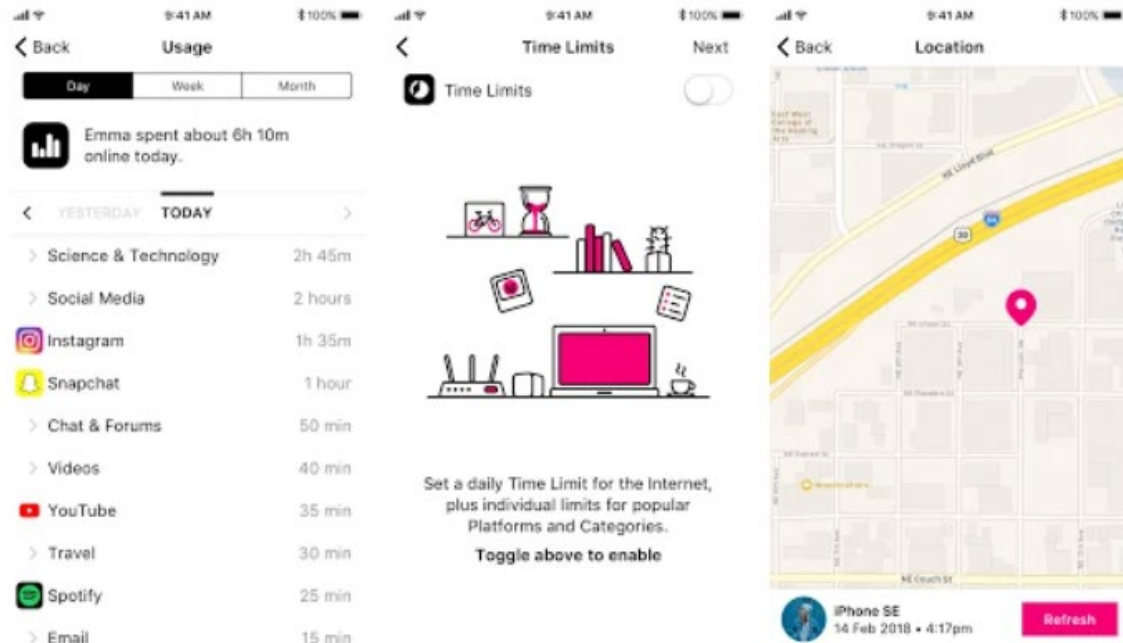
149.   Defendants have and continue to indirectly infringe at least claim 7 of the '728 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the infringing Accused Products and by instructing users of the Accused Products to perform at least the method of claim 7 in the '728 Patent. For example, Defendants, with knowledge that the Accused Products infringe the '728 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce direct infringement of at least claim 7 of the '728 Patent in violation of 35 U.S.C. § 271(b).

150.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 7 of the '728 Patent in the United States because Defendants' customers use such Accused Products, including at least the T-Mobile Family Mode Application, T-Mobile FamilyWhere Application, and T-Mobile Fleet Management Solutions, alone or in conjunction with additional Accused Products (*e.g.* supporting hardware and software), in accordance with Defendants' instructions and thereby directly infringe at least claim 7 of the '728 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://www.t-mobile.com/support/plans-features/familymode-app; https://www.t-mobile.com/support/plans-features/familymode; https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-mobile.com/business/solutions/fleet-management-solutions#Benefits; https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6; https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc; https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf; https://www.t-mobile.com/support/public-files/images/support-non-device/FamilyModeUser-Manual-Final.pdf; https://www.youtube.com/watch?v=7PG3a0Y08rE; https://www.youtube.com/watch?v=k7BqbvOSH_s; https://www.youtube.com/watch?v=8abLv-8pHRQ; and T-Mobile agents and representatives located within this Judicial District. Defendants is thereby liable for infringement of the '728 Patent under 35 U.S.C. § 271(b).

151.   Defendants directly infringes and/or indirectly infringes by practicing a method of establishing a cellular phone communication network for designated participants, each having a similarly equipped cellular phone that includes voice communication, free and operator selected text messages, photograph and video, a CPU, a GPS navigation system and a touch screen display comprising the steps of: (a) generating one or more symbols on the touch display screen, each representing a different participant that has a cellular phone that includes said voice communication, free and operator selected text messages, photograph and video, a CPU, said GPS system and a touch screen display; (b) providing and storing in each of the participant cellular phones one or more cellular phone telephone numbers, each cellular phone number of which relates to a different symbol of each of the participants in the communication network; (c) providing initiating cellular phone calling software in each cellular phone that is activated by touching a symbol on the touch display that automatically initiates a cellular phone call using the stored cellular phone number to the participant represented by the symbol; and (d) generating a geographical location chart on said display screen to show the geographical location of each of the symbols representing the participants in the communication network by latitude and longitude.

152.   For example, Family Mode and FamilyWhere allow users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

153.   For example, Family Mode and FamilyWhere allow users to establish groups (*e.g.* of family members), and to exchange messages and calls via SMS, and/or via interaction with T-Mobile's servers.
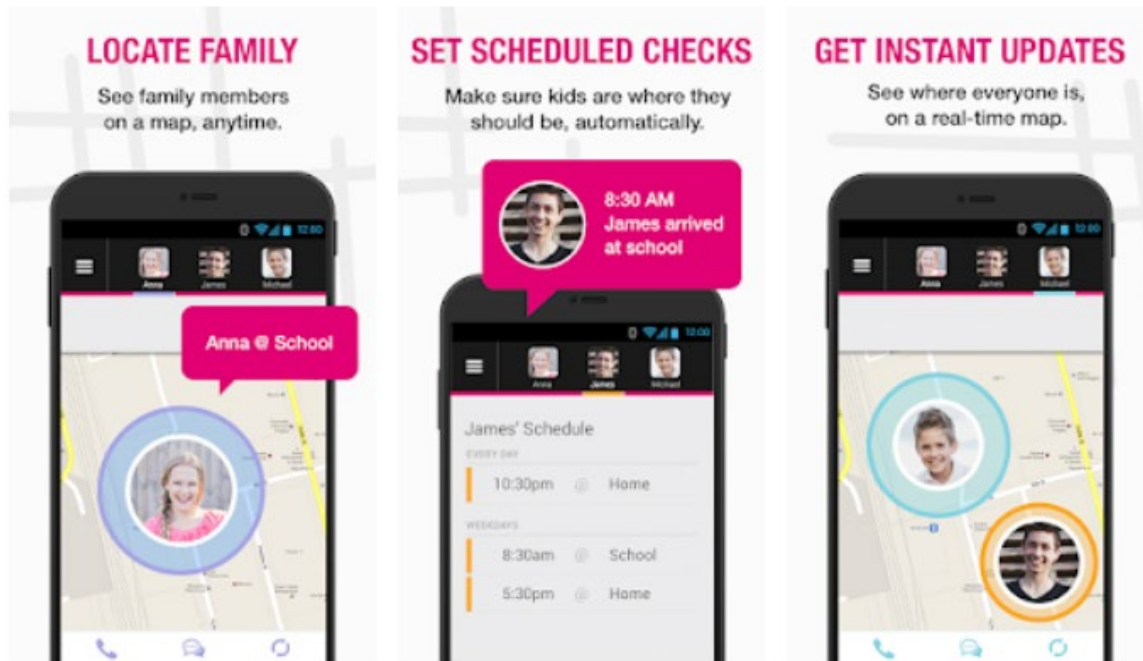
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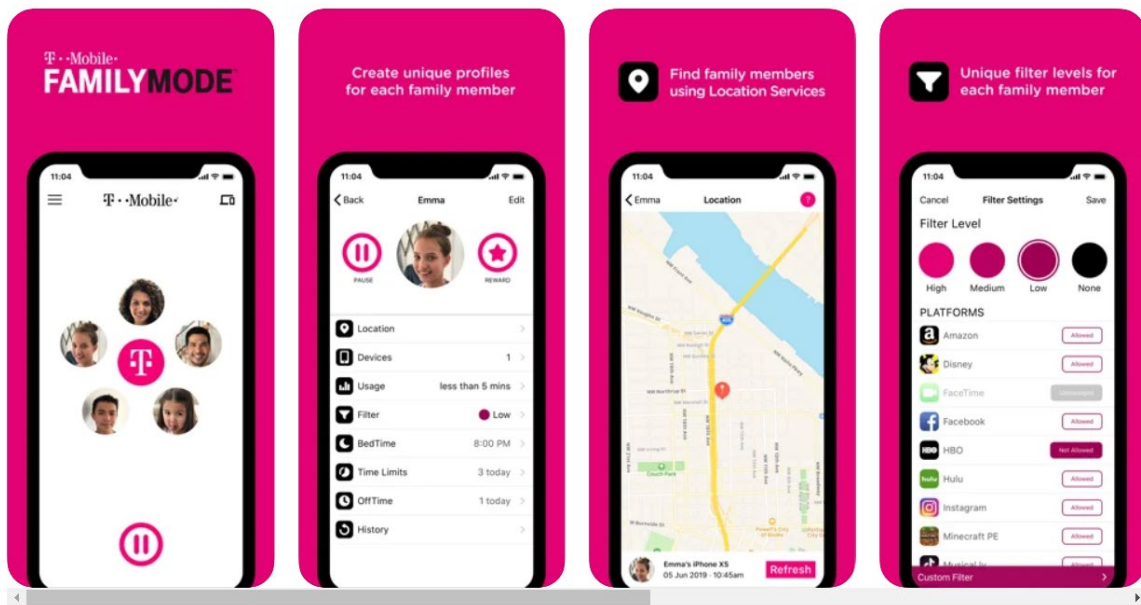
154.   For example, Family Mode and FamilyWhere enable users to retrieve map information from multiple sources, including symbols corresponding with other group members.
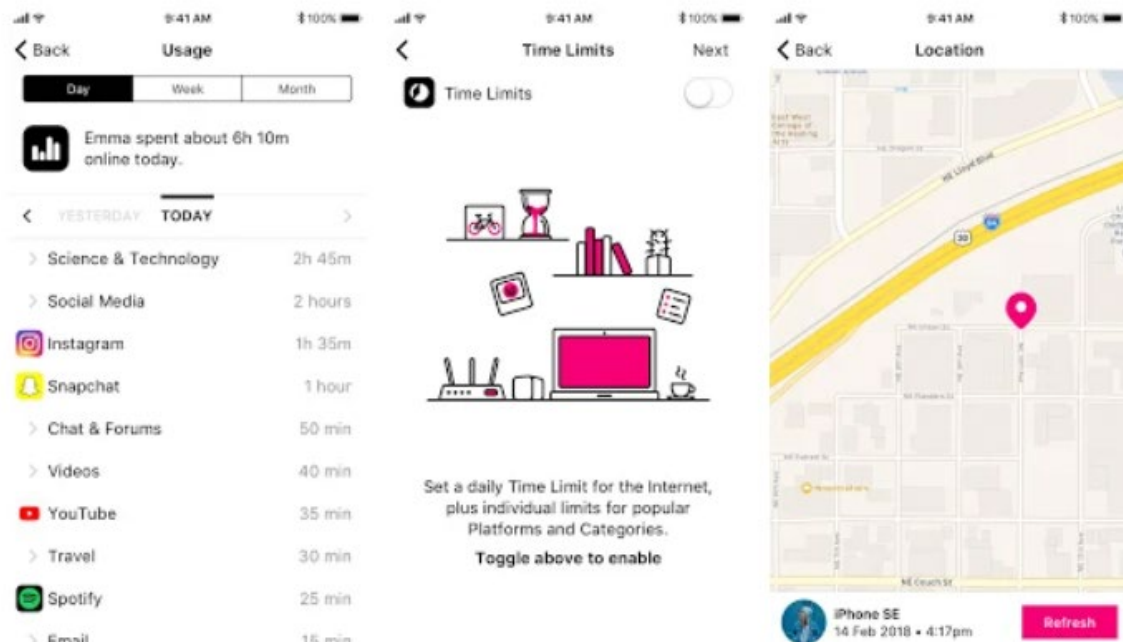
155.   For example, Family Mode and FamilyWhere, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

156.   For example, Family Mode and FamilyWhere are programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS. For example, on information and belief, family member devices do not have access to other family member devices' IP addresses.
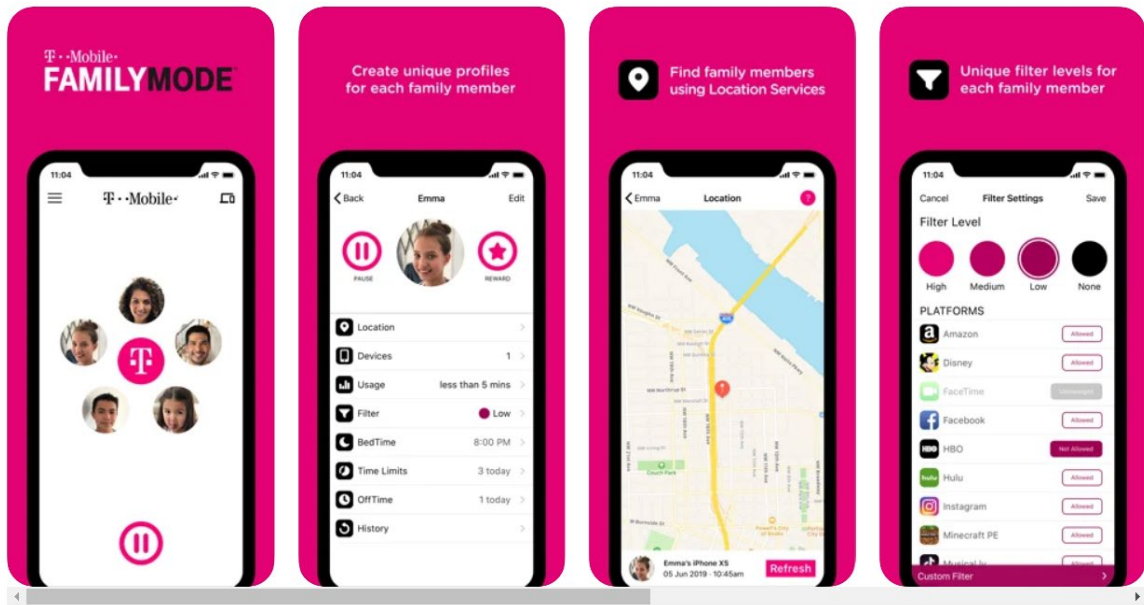

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https://play.google.com/store/apps/details?id=com.wavemarket.finder.mobile&hl=en_US&gl=US

157.   For example, Family Mode and FamilyWhere are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.
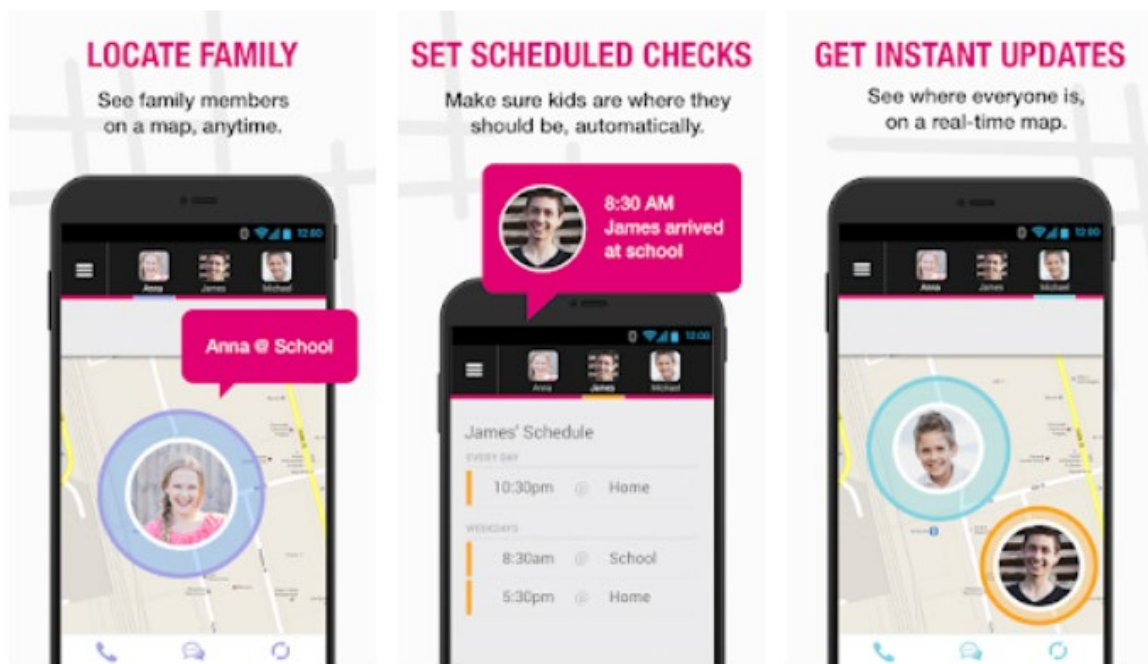

84

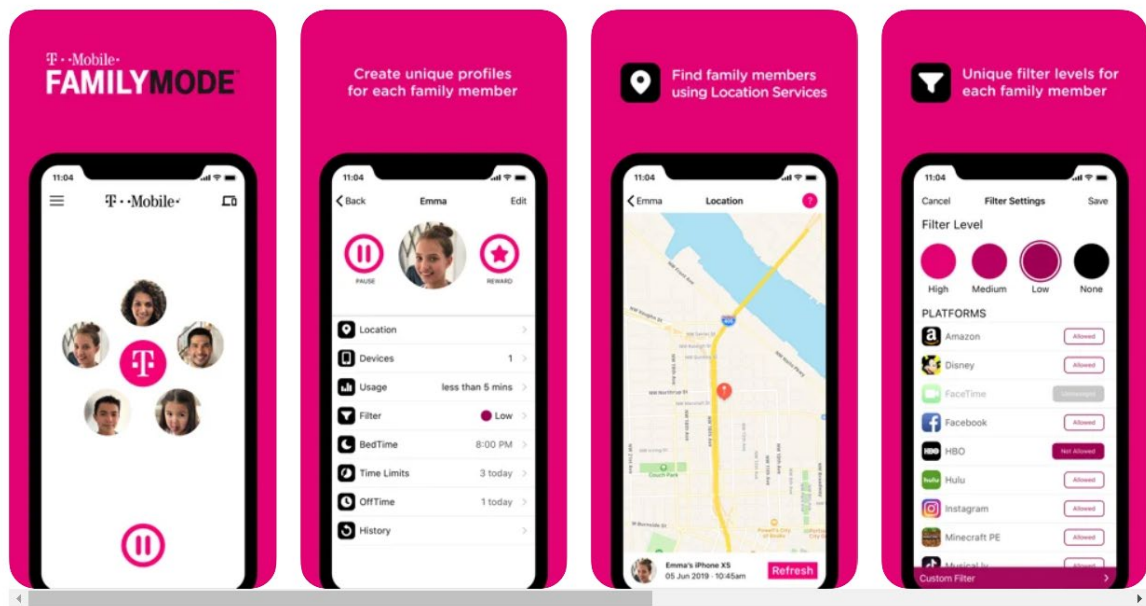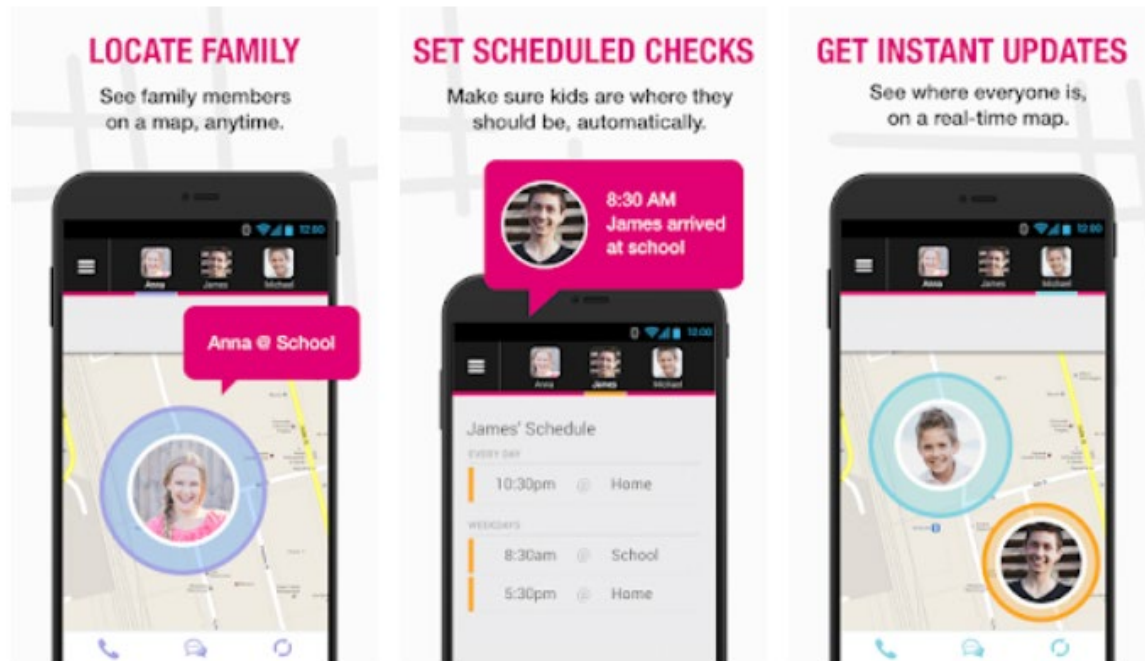[84] https://play.google.com/store/apps/details?id=com.tmobile.familycontrols&hl=en_US&gl=US

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158.   For example, Family Mode and FamilyWhere are further programmed to permit

interaction with the display where a user may select one or more symbols and where the

exemplary Accused Products further permit data to be sent to other devices based on that

interaction. The exemplary Accused Products are further programmed to permit users to specify

additional locations and to communicate those user-specified locations to other users via symbols

on an interactive display, as depicted below.

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[87] https://apps.apple.com/us/app/t-mobile-familymode/id1348097043#?platform=iphone

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159.   For example, T-Mobile Fleet Management Solutions generate symbols

corresponding with vehicle locations, such as through a fleet manager portal, as shown below.[90]

Upon information and belief, T-Mobile Fleet Management Solutions further generates symbols

corresponding with vehicle locations on the display of a cellular phone, such as a manager and/or

a driver's smart phone or tablet.
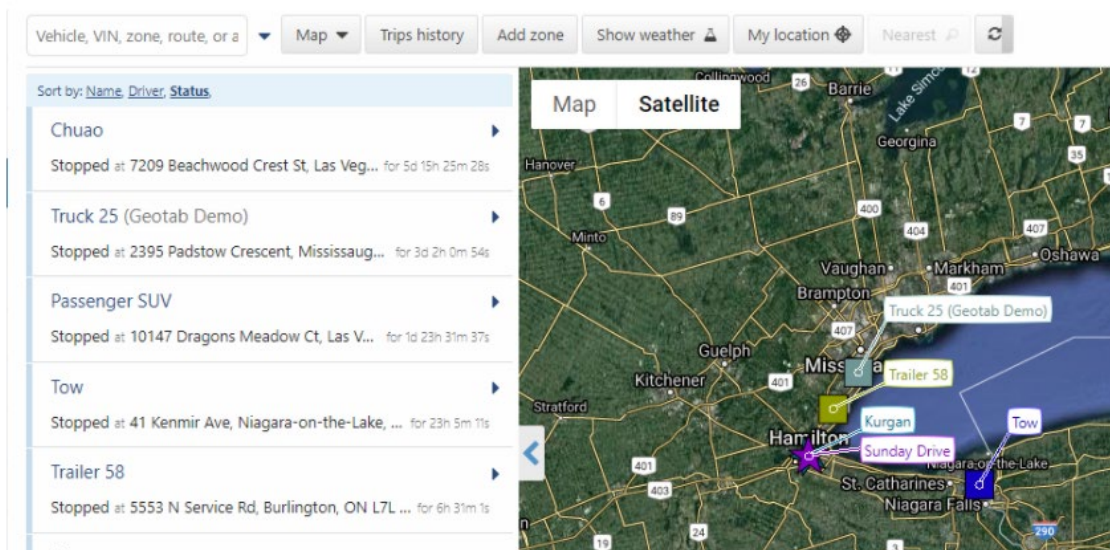
4. Each vehicle's shape changes depending on its status:
   - Driving = triangle
   - Stopped = square
   - Stopped in zone = star

[91]

160.   For example, upon information and belief, T-Mobile Fleet Management Solutions

enables a manager and/or driver to place a call to a tracked vehicle through the Fleet

Management Portal, and a cellphone or tablet connected to the fleet management portal, by

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[90] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-
DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u
[91] https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-
5Xfjag0W0gYcE/edit#

touching a symbol on the phone screen. T-Mobile Fleet Management Solutions further enables

transmission of text message, photographs, voice recordings, and video to other users.[92]

161.   For example, upon information and belief, T-Mobile Fleet Management Solutions

comprises and utilizes servers for establishing high-speed internet connections between users,

such as between users and drivers.[93]

162.   For example, upon information and belief, calls placed through T-Mobile Fleet

Management Solutions may be anonymized such that neither user is shown another user's phone

number during IP-based data transmission.

163.   Accused Products, such as T-Mobile Fleet Management Solutions, further include

similar features and functionality to Family Mode and FamilyWhere and infringe in a

substantially similar manner.[94]

164.   Defendants have had knowledge and notice of the '728 Patent at least as of the

filing of the Complaint.

165.   Defendants have indirectly infringed and continue to indirectly infringe one or

more claims of the '728 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by

others, such as Defendants' customers and end-users, in this District and elsewhere in the United

States. For example, Defendants' customers and end-users directly infringe, either literally or

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[92] *Id.*

[93] https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-
DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.1v1ole2ccw3u

[94] https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app; https://www.t-
mobile.com/business/solutions/fleet-management-solutions#Benefits;
https://docs.google.com/document/d/14GNbMq_ZKSUpkmSdJ8ws-
DyO4P_HmTYOIu3k52f7KKY/edit#heading=h.qty8lmn1pav6;
https://docs.google.com/document/d/1nf6ecjyLqE9nFFIjxK6sbO3RLo4Oy-
5Xfjag0W0gYcE/edit#heading=h.qj85zo5r9cc;
https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-
production/NA/GO_devices/[PUBLIC]Geotab-GO9-Brochure(web).pdf%20[PUBLIC].pdf

under the doctrine of equivalents, through their use of the inventions claimed in the '728 Patent. Defendants induce this direct infringement through their affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendants' inducement, Defendants' customers and end-users use Accused Products in a way Defendants intend and directly infringe the '728 Patent. Defendants perform these affirmative acts with knowledge of the '728 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '728 Patent.

166.   Defendants have indirectly infringed and continue to indirectly infringe one or more claims of the '728 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendants' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '728 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '728 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendants to be especially made or adapted for use in the infringement of the '728 Patent. Defendants perform these affirmative acts with knowledge of the '728 Patent and with intent, or willful blindness, that they cause the direct infringement of the '728 Patent.

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167.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '728 Patent in an amount to be proved at trial.

168.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '728 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

169.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '728 Patent. Defendants' infringement of the '728 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AGIS Software prays for relief against Defendants as follows:

a.   Entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

b.   Entry of judgment declaring that Defendants' infringement of the Patents-in-Suit has been willful and deliberate;

c.   An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the Patents-in-Suit;

d.   An order awarding damages sufficient to compensate AGIS Software for Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty,

together with interest and costs;

      e.   An order awarding AGIS Software treble damages under 35 U.S.C. § 284 as a

result of Defendants' willful and deliberate infringement of the Patents-in-Suit;

      f.   Entry of judgment declaring that this case is exceptional and awarding AGIS

Software its costs and reasonable attorney fees under 35 U.S.C. § 285; and

      g.   Such other and further relief as the Court deems just and proper.

Dated: March 3, 2021   Respectfully submitted,

                                            /s/ Alfred R. Fabricant
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                                            ATTORNEYS FOR PLAINTIFF, AGIS
                                            SOFTWARE DEVELOPMENT LLC